

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2014-490 TO

PLANNED UNIT DEVELOPMENT

JANUARY 8, 2015

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2014-490** to Planned Unit Development.

Location: East side of Kernan Boulevard, between Atlantic Boulevard and Kensington Lakes Drive

Real Estate Number(s): 165265-0400

Current Zoning District: Planned Unit Development (PUD 2005-545-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Greater Arlington/Beaches, District 2

Planning Commissioner: Anthony Robbins

City Council District: The Honorable Richard Clark, District 3

Applicant/Agent: Paul Harden, Esq.
901 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: George Hodges, Jr.
City National Bank of Florida
Jacksonville, Florida 32202

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2014-490** seeks to rezone approximately 11.69 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed with one of three schemes: (1) commercial uses with a maximum of 21,000

square feet / single family with a maximum 52 lots; (2) commercial uses with a maximum of 21,000 square feet / multiple family with a maximum 120 townhomes; (3) commercial uses maximum of 21,000 square feet / institutional use. The site is located in the “School Regulation Zone” area as defined by Florida Statute 333.03 and as governed by Sec. 656.1009 of the City of Jacksonville Code of Ordinances (Zoning Code).

The existing PUD allows for a maximum of 90,000 square feet of commercial and office uses with an additional one acre out-parcel.

In November 2003, a small plane crashed on this parcel while attempting a landing at Craig Airport.

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

(1) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

Yes. The Planning and Development Department finds that the subject property is located in the Community General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The CGC functional land use category allows a variety of commercial retail uses, service establishments, institutional uses, single family dwellings and multifamily dwellings. The proposed PUD proposes a gross density of 1.8 dwelling units to the acre and will have full urban services available to the site. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code. A description of the category is noted below.

Community General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be compact and connected and should support multi-modal transportation. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Transit-Oriented Developments (TOD), as defined in this element, are encouraged when in close proximity to an existing or planned JTA mass transit system station

or Rapid Transit System (RTS). Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

The uses provided herein shall be applicable to all CGC sites within the Urban Area.

Principal Uses: Commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices, Business and Professional Offices including veterinary offices; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities; Auto repair and sales, mobile home/motor home rental and sales, boat storage and sales; Off street parking lots and garages; Filling stations; and Uses associated with and developed as an integral component of TOD. Residential uses shall not be the sole use and shall not exceed 80 percent of a development.

Secondary Uses: Secondary uses shall be permitted pursuant to the Commercial land use introduction. In addition, the following secondary uses may also be permitted: Group care facilities; Criminal justice facilities; Personal property storage establishments;

Accessory Uses: Warehousing, light manufacturing and fabricating may be permitted provided it is part of a commercial retail sales or service establishment, and the accessory use shall be located on a road classified as collector or higher on the Functional Highway Classification Map.

The maximum gross density in the Urban Area shall be 40 units/acre and there shall be no minimum density; except as provided herein. For sites abutting Low Density Residential (LDR) and Rural Residential (RR), the maximum gross density shall be 20 units/acre. Transit-Oriented Developments (TOD) shall provide a minimum gross density of 20 units/acre; and may increase the maximum gross density by an additional 20 units/acre; except for sites abutting Low Density Residential (LDR) and Rural Residential (RR), in which case the maximum gross density shall be 20 units/acre.

(2) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The institutional component of the written description and the site plan of the intended plan of development does not meet the City's land use regulations. The remaining portions of the written description and the site plan of the intended plan of development meet the City's land use regulations and further their intent by providing specific development standards.

The site is located in the "School Regulation Zone" area as defined by Florida Statute 333.03 and as governed by Sec. 656.1009 of the Zoning Code. The proposed plan of development is in direct conflict with the provisions of both standards.

656.1009 Educational Facilities

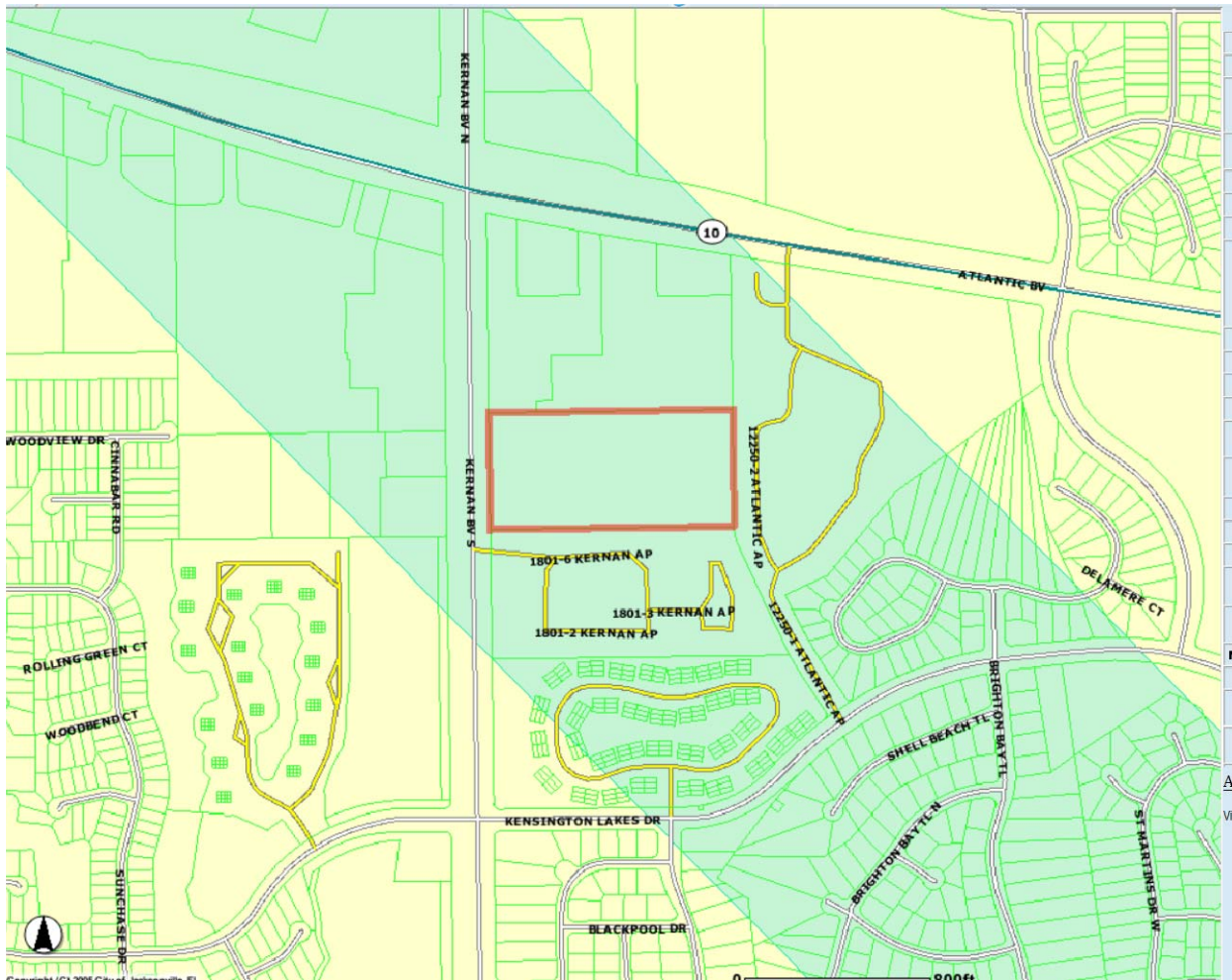
No new educational facility of a public or private school, with the exception of aviation school facilities, shall be permitted within an area extending along the centerline of any runway and measured from the end of the runway and extending for a distance of five miles and having a width equal to one half the runway length. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the Planning Commission and/or City Council make specific findings detailing how the public policy reasons for allowing construction outweigh health and safety concerns prohibiting such a location.

F.S. 333.03

(3) In the manner provided in subsection (1), airport zoning regulations shall be adopted which restrict new incompatible uses, activities, or construction within runway clear zones, including uses, activities, or construction in runway clear zones which are incompatible with normal airport operations or endanger public health, safety, and welfare by resulting in congregations of people, emissions of light or smoke, or attraction of birds. Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of a runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

(4) The procedures outlined in subsections (1), (2), and (3) for the adoption of such regulations are supplemental to any existing procedures utilized by political subdivisions in the adoption of such regulations.

The subject property is within the area that extends five miles in a direct line along the centerline of the runway of NAS Jacksonville, having a width one-half the runway length. **The staff recommends the institutional use be prohibited.**



Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Community General Commercial (CGC).

A portion of the proposed rezoning to Planned Unit Development which permits institutional uses is inconsistent with the 2030 Comprehensive Plan, and does not further the following goals, objectives and policies contained herein, including:

FLUE Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

FLUE Policy 2.5.1

Continue to regulate development in approach zones to airport runways in accordance with the Federal Aviation Authority (FAA) and United States Military Air Installation Compatible Use Zones (AICUZ) and local land development regulations in order to protect the safety and welfare of property owners, residents and businesses in the community.

FLUE Policy 3.2.27

The City shall update its land development regulations to ensure compatible land uses near airports. New incompatible uses such as residential use and places of public assembly shall be limited.

This request is not consistent with official City of Jacksonville policies to limit places of public assembly near airports.

The portions of the proposed rezoning to Planned Unit Development for residential and commercial development are consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

FLUE Policy 3.1.6

The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

FLUE Policy 3.1.3

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals. The Fair Share (F.S. #42624.0 / CDN 6995.1) for this parcel was abandoned. A new CCAS or CRC application and a Mobility application are required.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a single family or multi-family development with commercial uses. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The use of topography, physical environment and other natural features: The site is wooded and relatively flat.

Traffic and pedestrian circulation patterns: A loop road will be constructed under the residential development schemes to provide efficient circulation.

The use and variety of building setback lines, separations, and buffering: The written description includes setbacks and buffering that are consistent with the Zoning Code/

Compatible relationship between land uses in a mixed use project: The written description includes commercial uses which should not create any adverse impacts to the proposed single or multi-family residential uses.

(5) External Compatibility

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The type, number and location of surrounding external uses: The proposed development is located in an area where single family and multi-family residential, office and commercial uses function as a mixed-use development. The mixture of residential and commercial development at this location complements the existing residential, office and commercial uses in the immediate area.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	PUD (89-569)	Commercial shopping center
South	MDR	PUD (89-1065)	Multi-family dwellings
East	MDR	PUD (89-1065)	Multi-family dwellings
West	RPI	PUD (03-131)	Banks

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The site is located in the “School Regulation Zone” area as defined by Florida Statute 333.03 and as governed by Sec. 656.1009 of the Zoning Code. The proposed plan of development is in direct conflict with the provisions of both standards.

Below are the comments from JAA

The JAA wishes to record that this development is in the direct flight path of of runway 14/32 and is 10, 291 feet away from the end of that runway. This property will experience overflight from aircraft using this runway.

Additionally, the proposed development is within the 50 foot height zone as indicated in the City of Jacksonville’s GIS. Should the top elevation of the proposed structure exceed 50 ft, it will be necessary for the developer to coordinate with the Jacksonville Aviation Authority prior to constructing in order to obtain the necessary Federal Aviation Administration permit.

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category and is a single-use, multi-family development, which is not to exceed 52 single family or 120 multi-family dwelling units. The PUD is appropriate at this location because it will support the existing offices and service establishments in the area.

The existing residential density and intensity of use of surrounding lands: A multi-family residential surrounds the property on the east and south boundaries.



(7) Usable open spaces plazas, recreation areas.

The written description indicates that either single family or multifamily development will provide a minimum of ½ acre of useable active recreation area which meets the minimum stand of the Zoning Code.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-site. However, any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

(9) Listed species regulations

No wildlife survey was required as the project is less than the 50-acre threshold.

(10) Off-street parking including loading and unloading areas.

The site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on December 18, 2014, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-490** be **APPROVED with the following conditions:**

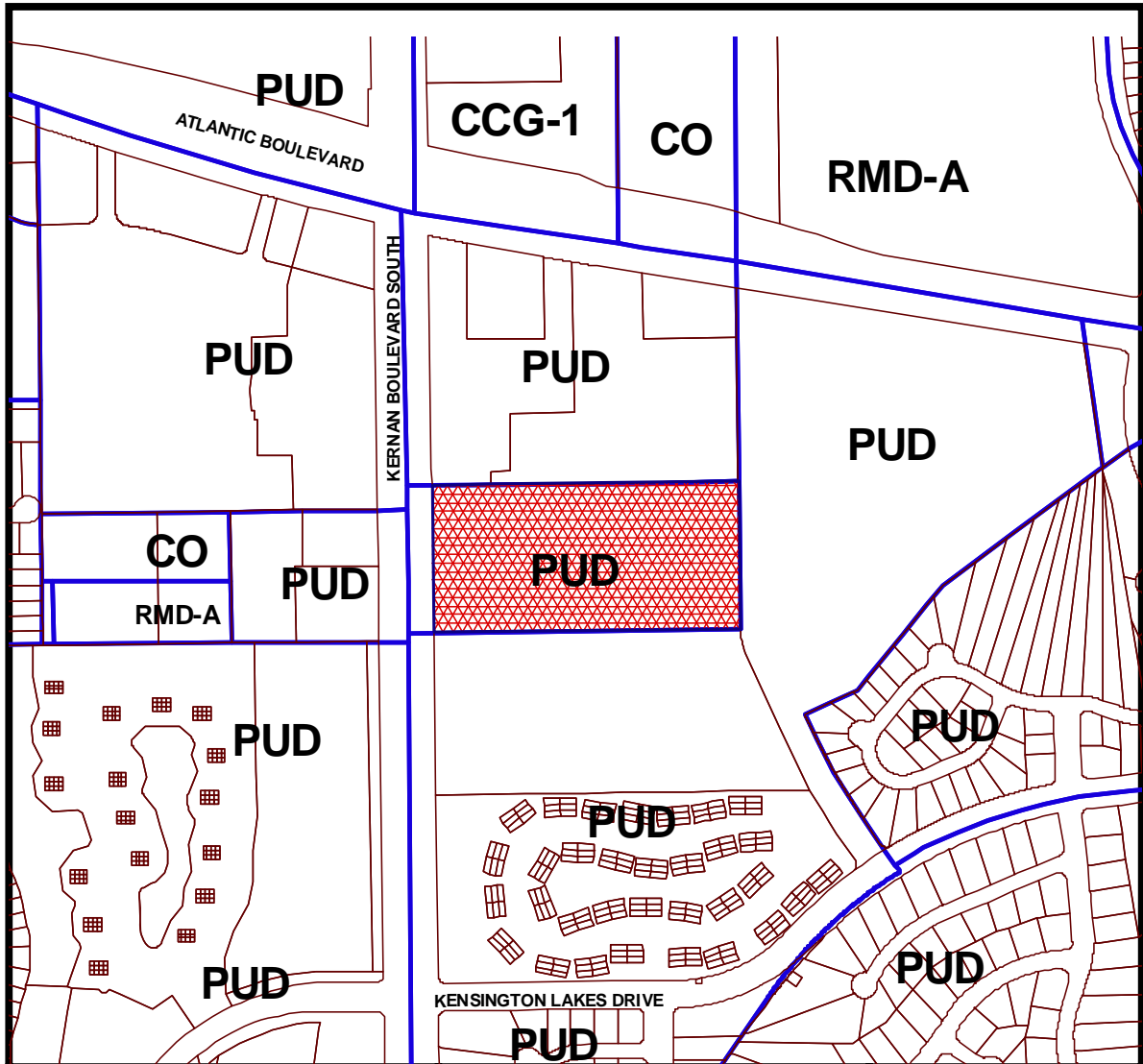
1. The subject property is legally described in the original legal description dated October 1, 2014.
2. The subject property shall be developed in accordance with the original written description dated November 14, 2014.
3. The subject property shall be developed in accordance with the original site plan dated October 10, 2014.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated December 12, 2014 or as otherwise approved by the Planning and Development Department.
5. Assembly uses (public, private or charter school, church, day care or similar use) shall be prohibited.



View of site from adjacent commercial parking lot to the north.



Aerial view of site.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>		
	<p>ORDINANCE -2014-0490</p>	<p>0 100 Feet</p> <p>COUNCIL DISTRICT: 3</p> <p>FILE COPY</p>

DEVELOPMENT SERVICES



December 12, 2014

MEMORANDUM

TO: Bruce Lewis, City Planner Supervisor
Planning and Development Department

FROM: Lisa King
Traffic Technician Senior

Subject: **Kernan II PUD**
R-2014-490 fka R-2005-545

Upon review of the referenced application, and based on the information provided to date, the Development Services Division has the following comments:

1. Developer shall provide a traffic study for Kernan Boulevard South and access to site. The study shall include a queue storage analysis of the existing lanes, need for additional lanes and a traffic signal warrant analysis based on the MUTCD warrants. Development Services shall approve the study prior to the final approval of the Civil Engineering Plan set. Plans for any required improvements shall be included with the Civil Engineering plan set. The Developer will be responsible for all cost associated with the design, construction of any required improvements, as well as the study. Turn lanes will be designed to FDOT standards based on the design speed (posted plus 5 mph minimum) and a minimum 100 ft queue, and will include extruded thermoplastic pavement markings, reflective pavement markers and an overlay of the entire construction limits.
2. Access to site shall be at existing driveway. One right in/right out driveway is also permitted. Design and location of right in/right out driveway is subject to review and approval of Development Services Division.
3. 3 different site plans were submitted. Depending on how the site is developed, additional requirements may be made at the time of PUD Verification and 10 set review.
4. Signage, fence, wall and landscaping shall be located so that they do not obstruct horizontal line of sight as outlined in FDOT Index 546.
5. There shall be no cross access within 100 feet of outside lane of Kernan Boulevard South.
6. It should be noted that Exhibit E-1 shows a subdivision that is accessed by a shared driveway. Development as a residential subdivision requires access to a named public or approved, named private roadway. Since the existing driveway cannot meet design standards for a public roadway it would have to be an approved private roadway.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (driveway location, dimensions, roadway geometry, traffic circulation, etc.) shall be facilitated through the 10-set and 10-set review process. If you have any questions regarding the comment outlined above, please call me directly at 255-8586.

Lewis, Bruce

From: David Dunkley <david.dunkley@flyjacksonville.com>
Sent: Tuesday, December 30, 2014 8:18 AM
To: Lewis, Bruce
Subject: Re: Kernan Boulevard II PUD 2014-490

Morning Bruce, sorry I was out last week! Please add our comments below.

Happy New Year to You!

“The JAA wishes to record that this development is in the direct flight path of of runway 14/32 and is 10, 291 feet away from the end of that runway. This property will experience overflight from aircraft using this runway.”

“Additionally, the proposed development is within the 50 foot height zone as indicated in the City of Jacksonville’s GIS. Should the top elevation of the proposed structure exceed 50ft, it will be necessary for the developer to coordinate with the Jacksonville Aviation Authority prior to constructing in order to obtain the necessary Federal Aviation Administration permit.”

David A. Dunkley, Jr.
Planner & Environmental Coordinator
Jacksonville Aviation Authority
14201 Pecan Park Road
Jacksonville, Fl. 32218
JIA Off- 904-741-2744(MTF)
Cecil Off-904-573-1608(T-Z)
Fax 904-741-2224

 |
-----(@)-('')-(@)----
 " " "

+ _____ +

From: Lewis, Bruce <BLewis@coj.net>
Sent: Wednesday, December 10, 2014 11:12 AM
To: Bannister, Lurise; David Dunkley; El Paul Talbert (talbpa@jea.com); Joseph, Daryl; Karl Hankin ; King, Lisa; McDaniel, Jody; Namey, Joe; Pace, Steve; Papa, Jowie F.; Pate, Mark; Reed, Kristen; Sands, Mike; Smith, Steve; TLindner@jaa.aero; Wilson, Kurtis; Zammataro, Robert J. - Manager W/WW System Planning
Subject: Kernan Boulevard II PUD 2014-490

The Current Planning Division of the Planning and Development Department would appreciate any comments or recommendations that your agency/department may have on the proposed development. Please review the attached and e-mail your comments or recommendations to this office no later than: Monday December 29, 2014.

Bruce E. Lewis
City Planner Supervisor
Current Planning Division
Planning & Development Department
214 North Hogan Street, Suite 300

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2014-0490 **Staff Sign-Off/Date** BEL / 11/18/2014

Filing Date N/A **Number of Signs to Post** 2

Hearing Dates:

1st City Council 12/09/2014 **Planning Commission** 12/04/2014

Land Use & Zoning 01/06/2015 **2nd City Council** N/A

Neighborhood Association WEST BEACHES COMMUNITY ASSOC., KENSINGTON ASSOC., COALITION OF KENSINGTON COMMUNITIES, SEASON AT KENSINGTON CONDO ASSOC.

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 738 **Application Status** PENDING

Date Started 11/13/2014 **Date Submitted** 11/13/2014

General Information On Applicant

Last Name	First Name	Middle Name
HARDEN	PAUL	M
Company Name		
LAW OFFICES OF PAUL HARDEN		
Mailing Address		
501 RIVERSIDE AVENUE, SUITE 901		
City	State	Zip Code
JACKSONVILLE	FL	32202
Phone	Fax	Email
9043955731	904	PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
HODGES, JR.	GEORGE	
Company/Trust Name		
CITY NATIONAL BANK OF FLORIDA		
Mailing Address		
City	State	Zip Code
Phone	Fax	Email
9043965731	9043992020	

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District

Map

Ensure that RE# is a 10 digit number with a space (##### #####)

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre)

Development Number

Proposed PUD Name

Justification For Rezoning Application

TO ALLOW DEVELOPMENT CONSISTENT WITH SURROUNDING USES.

Location Of Property

General Location

House # Street Name, Type and Direction Zip Code

Between Streets

and

Required Attachments For Formal, Complete application

The following items must be labeled as exhibits and attached to application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below and the PUD Check List for inclusion of information required.

- Exhibit 1** A very clear, accurate and legible legal description of the property that must be only and entirely placed on the JP&DD formatted forms provided with the application package. The legal description may be either lot and block or metes and bounds.
- Exhibit A** Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** Agent Authorization - Notarized letter(s) designating the agent.
- Exhibit C** Binding Letter.
- Exhibit D** Written description in accordance with the PUD Checklist and with provision for dual page numbering by the JP&DD staff.
- Exhibit E** Scalable site plan with provision for dual page numbering by the JP&DD staff drawn at a scale large enough to clearly indicate the following: (a) North arrow and scale; (b) Property lines and dimensions of the site; (c) Building locations and building lot coverage; (d) Parking area; (e) Required Landscaped Areas; (f) All ingress and egress locations (driveways, alleys and easements) within 660 feet; (g) Adjacent streets and rights-of-way; (h) jurisdictional wetlands; and (i) existing site conditions and improvements that will be undisturbed.
- Exhibit F** Land Use Table
- Exhibit G** Copy of the deed to indicate proof of property ownership.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

- Exhibit H** Aerial Photograph.
- Exhibit I** Listed Species Survey (If the proposed site is greater than fifty acres).
- Exhibit J** Other Information as required by the Department (i.e.-*building elevations, *signage details, traffic analysis, etc.).
- Exhibit K** Site Location Map.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be POSTED on the property BY THE APPLICANT within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING. (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish PROOF OF PUBLICATION to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

- Agreed to and submitted

Filing Fee Information

- 1) Rezoning Application's General Base Fee:** \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof**
- 11.69 Acres @ \$10.00 /acre:** \$120.00
- 3) Plus Notification Costs Per Addressee**
- Notifications @ \$7.00 /each:**
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):**

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT 1

Legal Description

LEGAL DESCRIPTION OF PARCEL "A"

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 SOUTHWESTERLY CORNER OF SAID SECTION 22, THE SAME BEING THE EASTERLY RIGHT-OF-WAY LINE OF KERNAN BOULEVARD SOUTH, (A 200-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), THENCE NORTH 00°44'44"WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SAME BEING THE WESTERLY LINE OF SAID SECTION 22, 1948.65 FEET; THENCE NORTH 89°15'16"EAST, 150.0 FEET TO THE EASTERLY LINE OF A 150-FOOT JACKSONVILLE ELECTRIC AUTHORITY POWERLINE EASEMENT AS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2379, PAGE 474 AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE NORTH 00°44'44"WEST, ALONG LAST SAID EASTERLY LINE, 491.98 FEET; THENCE NORTH 89°15'16"EAST, 885.40 FEET; THENCE SOUTH 00°44'44"EAST, 491.98 FEET; THENCE SOUTH 89°15'16"WEST, 885.40 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 10.00 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF PARCEL "B"

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 SOUTHWESTERLY CORNER OF SAID SECTION 22, THE SAME BEING THE EASTERLY RIGHT-OF-WAY LINE OF KERNAN BOULEVARD SOUTH, (A 200-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), THENCE NORTH 00°44'44"WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SAME BEING THE WESTERLY LINE OF SAID SECTION 22, 1948.65 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE NORTH 00°44'44"WEST, ALONG LAST SAID RIGHT-OF-WAY LINE, 491.98 FEET; THENCE NORTH 89°15'16"EAST, 150.0 FEET; THENCE SOUTH 00°44'44"EAST, ALONG THE EASTERLY LINE OF A 150-FOOT JACKSONVILLE ELECTRIC AUTHORITY EASEMENT AS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2379, PAGE 474, 491.98 FEET; THENCE SOUTH 89°15'16"WEST, 150.0 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 1.69 ACRES, MORE OR LESS.

October 1, 2014

Exhibit 1
Page 1 of 1

EXHIBIT A

Property Ownership Affidavit

Date: October 15, 2014


City of Jacksonville

City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 214 North Hogan Street, Edward Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

George H. Hodges, Jr., as Agent, City National Bank of Florida,
I, f/k/a City National Bank of Miami, Trustee, Land Trust #5196-5 hereby certify that I am the
Owner of the property described in the attached legal description, **Exhibit 1** in connection with
filing application(s) for _____ rezoning _____,
submitted to the Jacksonville Planning and Development Department.



GEORGE H. HODGES, JR. (Owner's Signature)
AGENT

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 15th day of
October (month), 2014 (year) by George H. Hodges, Jr., as Agent,
who is personally known to me or has produced _____
as identification.



JOHN R. CATHEY (Notary Signature)



EXHIBIT B

Agent Authorization

Date: October 15, 2014

City of Jacksonville

City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 214 North Hogan Street, Edward Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

Southeast Atlantic & Kernan +/-11.69 acres

Gentleman:

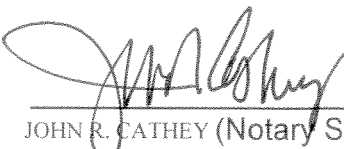
You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers Paul M. Harden, Esq. to act as agent to file application(s) for rezoning for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.



GEORGE H. HODGES, JR. (Owner's Signature)
AGENT

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 15th day of October (month), 2014 (year) by George H. Hodges, Jr., as Agent, who is personally known to me or has produced _____ as identification.



JOHN R. CATHEY (Notary Signature)

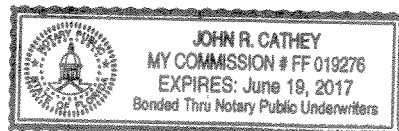


EXHIBIT C

Binding Letter

Date: October 15, 2014

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

Re: Southeast Atlantic & Kernan +/-11.69 Acre **PUD**

Ladies and Gentlemen:

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in the PUD document attached hereto and by reference made a part hereof, hereby agrees to bind its successor(s) in title to development in accordance with (a) the site plan and the written description of the proposed development plan submitted with the rezoning application and (b) any conditions set forth by the City Council of the City of Jacksonville in the rezoning ordinance. Owner also agrees to proceed with the development of the subject property in accordance with items (a) and (b) above and will complete such development in accordance with the site plan approved by that ordinance. Provisions shall be made by written agreement for continuing operation and maintenance of all common areas and facilities that are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

By: 

GEORGE H. HODGES, JR. (Owner's Signature)

Its: Agent

**EXHIBIT D
WRITTEN DESCRIPTION
Kernan Boulevard II PUD
October 1, 2014**

REVISED NOVEMBER 14, 2014

I. PROJECT DESCRIPTION

The fee simple owner of the real property identified in the attached Exhibit A, RE# 165265-0400 (the "Property"), which contains approximately 11.69 acres, is currently zoned PUD (Ord. 2005-545-E) and designated CGC (Ord. 2005-546) and was originally intended for commercial purposes. As the site has failed to attract retail commercial users the owner is seeking to downzone the current allowable uses and to diversify the permissible activities on the site for the purpose of development.

The Property is located along the east side of Kernan Boulevard, and bounded by a shopping center to the north, on the east by a multi-family residential property owned by other individuals and zoned PUD, on the south by another multi-family residential property owned by others and zoned PUD. The applicant has utilized the professional services of Mr. Paul Harden, Esquire in preparing this request. No other professionals have yet been engaged. The parcel is yet undeveloped and has no significant or unique characteristics, variation of elevations or natural features.

The revised PUD will permit the site to be developed in a less intensive manner than what was originally approved in the 2005 version. The potential users of the property include institutional users, or some type of residential development with not less than 20% of the site being used for retail purposes. As the site has failed to attract the originally intended commercial users and is an infill location, being surrounded by densely developed residential activity to the south and east and intensive community commercial to the north these proposed uses would act as a buffer or transitional zoning between the shopping center and the lesser intensive residential areas extending to the south and east. It is appropriate to implement such transitional land uses and the same would further the goals, objectives and policies of the plan.

Imposition of the strict code standards would necessitate building patterns and or lot sizes that are inefficient given the limited size of the property and its proximity to the other more intensive uses. The PUD will afford an appropriately scaled and context sensitive development that will permit the flexibility to permit the property to be utilized in an efficient and productive manner.

The Property is to be operated and used in accordance with the terms and limitations of this PUD ordinance and its supporting exhibits, as either a mixed use retail/institutional development limited to not more than 21,000 square feet of retail on two outparcels and occupying not more than 2.70 acres with an institutional use utilizing the remaining 9 acres of the property and located behind said outparcels. Or, a mixed use retail/ residential development limited to the same amount of retail but with the remainder consisting of not more than 52 single family dwellings or 120 townhomes. Either of these two development plans will be developed in consonance with the goals and objectives of the Community

General Commercial land use category of the City of Jacksonville 2030 Comprehensive Plan Future Land Use Element. It is the intent of the developer to commence improvements as soon as possible after zoning approval. Further, all future maintenance and operations will be the sole responsibility of the land owner(s), in compliance with the Municipal Ordinance for the City of Jacksonville and this PUD. Construction would be intended to commence immediately upon approval of the zoning and engineering entitlements.

II. USES AND RESTRICTIONS

The Property currently consists of one parcel but may be further divided as depicted on the attached three site plans (E1, E2, and E3) each dated October 1, 2014 (the “Site Plan,” which is incorporated herein by this reference).

A. *Permitted Uses:*

1. Single Family residential consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E1”).
2. Multi-family residential consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E2”).
3. Institutional use consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E3”).
4. Commercial retail uses such as
 - i. Commercial retail sales and service establishments
 - ii. Banks, including drive thru tellers, savings and loan institutions and similar uses
 - iii. Professional and business offices and clinics
 - iv. Art galleries, museums, gymnasiums, community centers, dance, art or music studios
 - v. Vocational, trade or business schools and similar uses
 - vi. Day care centers
 - vii. An establishment or facility which includes the retail sale and service of beer or wine for on-premises conjunction with a restaurant
 - viii. Express or parcel delivery offices and similar uses, without terminals

- ix. Veterinarians and animal boarding, subject to the performance standards and development criteria set forth in Part 4 of the Zoning Code.
- x. Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses
- xi. Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4 of the Zoning Code.

All above uses consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E1, E2, or E3” as applicable).

- B. Permissible uses – Commercial uses permissible by exception shall include the following:
- i. 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.
 - ii. Permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4
 - iii. Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4.
 - iv. Billiard parlors.

C. Accessory uses shall be as outlined in the Zoning Code and consistent Section 656.403 of the Zoning Code.

III. DEVELOPMENT STANDARDS

A. *Dimensional Standards.*

Residential Single Family

1. *Minimum parcel area and yard areas:* The minimum lot size, lot width and yard areas for structures shall be as follows:

Lot Size – minimum of 4,900 square feet

Lot Width – minimum of 50 feet

Yards -

Front: 18 feet

Side: 5 feet

Rear: 10 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures:* 50%
3. *Maximum height of structures:* thirty five (35) feet.

Residential Multi-family Townhomes

1. *Minimum parcel area and yard areas:* The minimum lot size, lot width and yard areas for structures shall be as follows:

Lot Size – minimum of 1,450 square feet

Lot Width – minimum of 15 feet, 25 feet for end units

Yards -

Front: 20 feet or as otherwise permitted in 656.414 Zoning Code

Side: 0 feet, 6 feet for end units

Rear: 10 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures: 70%*
3. *Maximum height of structures: thirty five (35) feet*

Commercial

1. *Minimum parcel area and yard areas: The minimum lot size, lot width and yard areas for structures shall be as follows:*

Lot Size – minimum of 10,000 square feet

Lot Width – minimum of 70 feet

Yards -

Front: 20 feet

Side: 0 feet

Rear: 10 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures: 40%*
3. *Maximum height of structures: thirty five (35) feet*

Institutional

1. *Minimum parcel area and yard areas: The minimum lot size, lot width and yard areas for structures shall be as follows:*

Lot Size – minimum of 2 acres

Lot Width – minimum of 200 feet

Yards -

Front: 20 feet

Side: 20 feet

Rear: 20 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures: 30%*
3. *Maximum height of structures: thirty five (35) feet*

B. Ingress, Egress and Circulation.

1. Vehicular ingress and egress shall be substantially as shown on the Site Plan.

C. Signs.

1. The number, location size and height of signage to be located on the property shall be as follows:

One double faced monument sign not to exceed (100) one-hundred square feet in area and (20) twenty feet in height may be permitted along Kernan Boulevard.

One single faced monument sign identifying the residential community or institutional use as depicted at the entry way to that portion of the site on Site Plan E1, E2, or E3 as applicable. This sign shall not exceed 50 square feet in area and not more than 8 feet in height.

Illumination: internal or indirect lighting, will be permitted as appropriate.

D. Site Design and Landscaping.

1. As the intent of the PUD is to permit the mix of uses described above, it is imperative that adequate signage be afforded to the various uses in effort to appropriately direct the patrons or users/residents to their destinations. Similarly, as the uses are not typically complimentary, the structures and associated uses areas are located in such a way as to promote natural attenuation of noise and activity away from one another. The commercial activity will be oriented toward Kernan Boulevard, away from the other uses and a screen wall will be utilized in lieu of the standard uncomplimentary buffer provisions of Part 12 of the Zoning Code. Similarly, if the larger portion of the site is developed with a residential use a screen wall will be erected along the northerly property line in lieu of the provisions of Part 12 of the Zoning Code. Otherwise, the landscaping will be per the provisions and standards of Part 12 of the Zoning Code.
2. While the subject property is located within an area designated as a School Regulation Zone, generated by Craig Field and as defined in Florida Statute F.S. 333.03 and City of Jacksonville Section 656.1009; an exemption from these provisions are sought in order to permit the construction of a school on the portion of the property as designated in Exhibit E (E3). As numerous densely populated areas with families and young children exist throughout this zone, and at least three other City of Jacksonville Schools exist immediately adjacent to this Zone, it would appear improper to impose the strict regulation in this instance. Further, the site is screened by multi-story buildings to the south and taller commercial buildings to the north. There is no documentary evidence to suggest that this site poses any greater danger to a student attending a class than those in Landmark Middle School, Kernan Trail Elementary or Kernan Middle School all lying just north or south of this site.

It should be noted that the Planning and Development Department file for this rezoning includes correspondence from the Jacksonville Aviation Authority, who indicates in writing on October 2, 2014 that they have no objection to a educational facility on the subject property.

In fact a review of NTSB crash data over the past twenty five years indicates that only five fatal incidents have occurred in proximity to this airfield and none of those occurred within the prescribed areas of the area of prohibition, proving that the site is no more likely than any other location for such an event.

3. Lighting associated with any use of this PUD will be of a design that does not permit trespass lighting onto adjacent properties. Furthermore, all lighting will utilize either appropriate lenses or cutoffs as required.

E. *Building Orientation*

1. *General:*

The subject property is to be utilized as a multi-use project, permitting both commercial and or residential/ institutional uses. The primary structures in the commercial portion of the site are situated to block noise associated with Kernan Boulevard as well as the more intensive uses located to the west.

The ensuing residential development will be situated in a manner that permits an efficient use of the property while insuring a desirable parcel for a home. Due to the limited space and the minimum standards for right-off-way associated with public roadways, the interior lots will not obtain the 100 foot of depth which is customary in today's market. Instead, these interior lots will be not less than 98 feet in depth, leaving plenty of room in the rear of the property for recreation or use by the future homeowner.

In the event that an institutional uses occurs in the designated portion of the property as depicted on the Site Plan, the buildings will be located in the middle of the property with open space and vehicle circulation surrounding the building, offering a natural buffer and sound attenuation for surrounding properties.

IV. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT

The proposed project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed rezoning is a reasonable manner by which to permit the infill of an undeveloped property for a mix of uses that will coexist while acting as a transition between the commercial node located at Atlantic Boulevard and Kernan Boulevard and the varying types of residential which extend to the south and east of the Property. This PUD is designed to increase the usable nature of the property while promoting numerous Goals, Objectives and Policies of the 2030 Comprehensive Plan. The project seeks to located supportive uses with lesser externalities than was proposed under the previous PUD and promotes a more marketable mix of uses that will act to reduce Vehicle Miles Traveled (VMT) for the residents in the vicinity. This PUD:

Is more efficient and effective than would be possible through strict application of the City of Jacksonville Land Use Regulations or a conventional zoning district which are suburban based, do not convey a sense of place, and which do not act to promote such a mix of uses;

Represents an appropriate combination of possible uses, properly designed to promote a logical transition between the established uses and a sustainable and desirable development pattern on an infill location;

Will promote the purposes of the 2030 Comprehensive Plan, including the following:

1. Objective 2.10
2. Goal 3
3. Objective 3.1
4. Objective 3.2
5. Policy 3.2.2
6. Policy 3.2.4
7. Policy 3.2.14
8. Policy 4.1.2

V. SUCCESSORS IN TITLE

All successors in title to the Property, or any portion of the Property, shall be bound to the conditions of this PUD.

VI. PUD REVIEW CRITERIA

- A. *Consistency with Comprehensive Plan.* The Property is designated CGC pursuant to the City's Future Land Use Map Series of the City's 2030 Comprehensive Plan. The uses and amounts (density/intensity) proposed in the PUD would be consistent with this designation.
- B. *Consistency with the Concurrency Management System.* The development of the Property will comply with the requirements of the Concurrency Management/ Mobility System.
- C. *Allocation of Residential Land Use.* The proposed PUD is intended to permit either a mix of commercial and residential or commercial and an institutional use. If residential is developed it will be at a density consistent with the applicable land use category and will be designed in such a way as to protect such use while buffering it from the commercial uses adjacent to it.
- D. *Internal Compatibility/Vehicular Access.* Vehicular access to the site is available from Kernan Boulevard as well as from the connection road that is shared with the property to the north. All access points will be reviewed and approved by the City of Jacksonville.
- E. *External Compatibility/Intensity of Development.* The intent of the development is to foster a multi-use development of the property at a density/ intensity that is sustainable and respective of the surrounding commercial and densely built residential developments to the south and east.
- F. The various uses will be appropriately screened from one another and structures will be oriented in a manner that will foster an appropriate transition as well as reduce externalities otherwise associated with such uses.
- F. *Recreation/Open Space.* The PUD will include recreational uses with up to one half acre of usable active recreational space located near the entryway to the community. Further, the property is located in close proximity to three Duval County Public

Schools with facilities and affords direct access to a twelve foot wide multi use path located along the east side of Kernan Boulevard.

- G. *Impact on Wetlands.* Any development activity which would impact wetlands will be permitted in accordance with local, state and federal requirements.
- H. *Listed Species Regulations.* Not Applicable.
- I. *Off-Street Parking & Loading Requirements.* The parking areas shall be developed as required in Part 6. It being the intent that the areas and locations depicted on the attached plan are sufficient to meet any or all of the required landscape provisions.
- J. *Sidewalks, Trails, and Bikeways.* The development will be consistent with the 2030 Comprehensive Plan.
- K. *Stormwater Retention.* Stormwater shall be conveyed, treated and stored in accordance with all City of Jacksonville and St. Johns River Water Management District requirements to an already approved off-site location.
- L. *Utilities.* Electric power, water and sewer services are furnished to the Property by the Jacksonville Electric Authority.

EXHIBIT E - 1

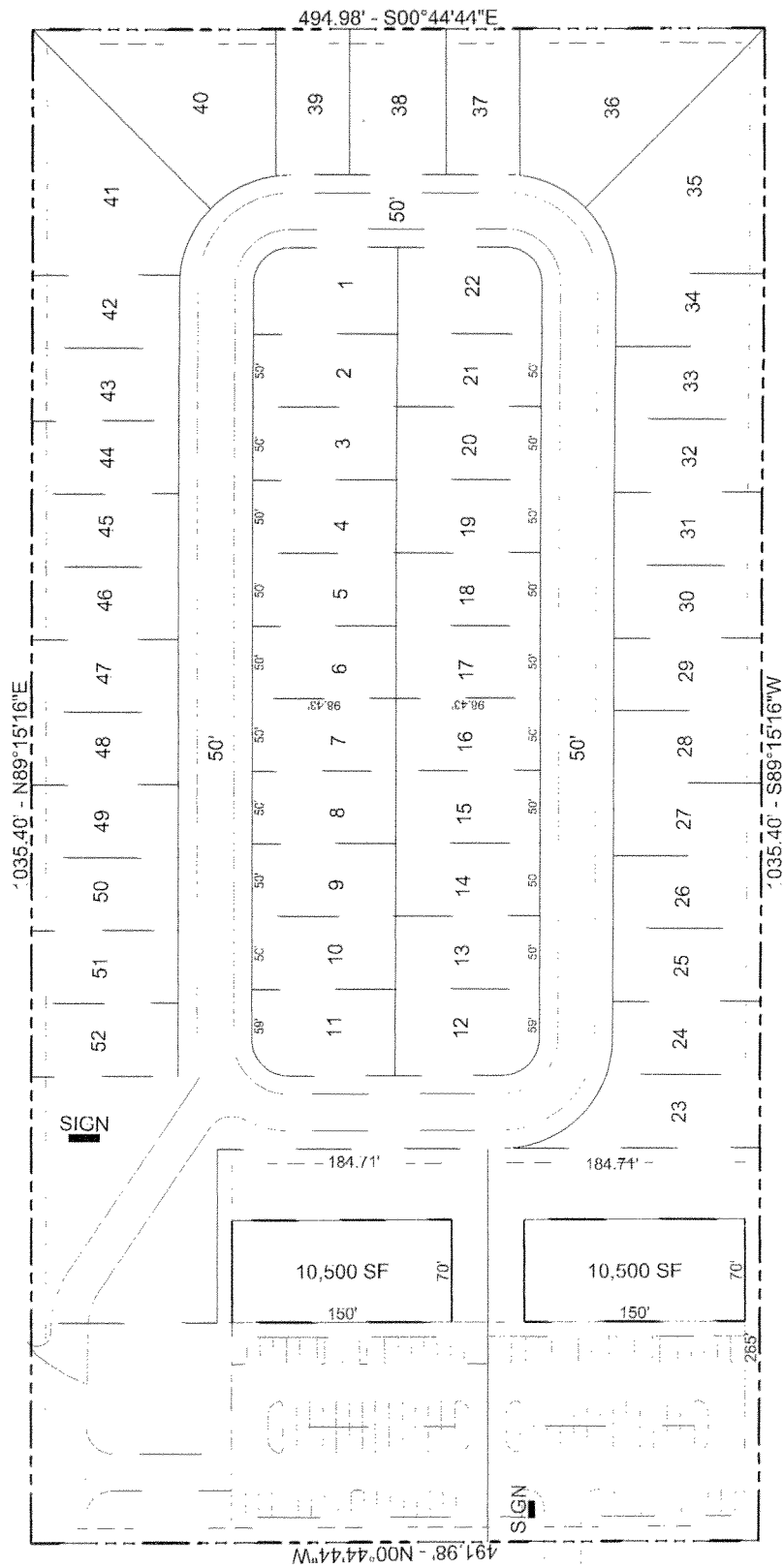
10-01-14



SCALE



1"=80' HORIZ.



NOTE: PLEASE BE ADVISED THIS SITE PLAN IS FOR GENERAL PLANNING ONLY. SITE PLAN IS SUBJECT TO CHANGE BASED ON LOCAL MUNICIPALITY FINAL PERMITTING CRITERIA.

KRRNAN BOULEVARD

EXHIBIT E - 2

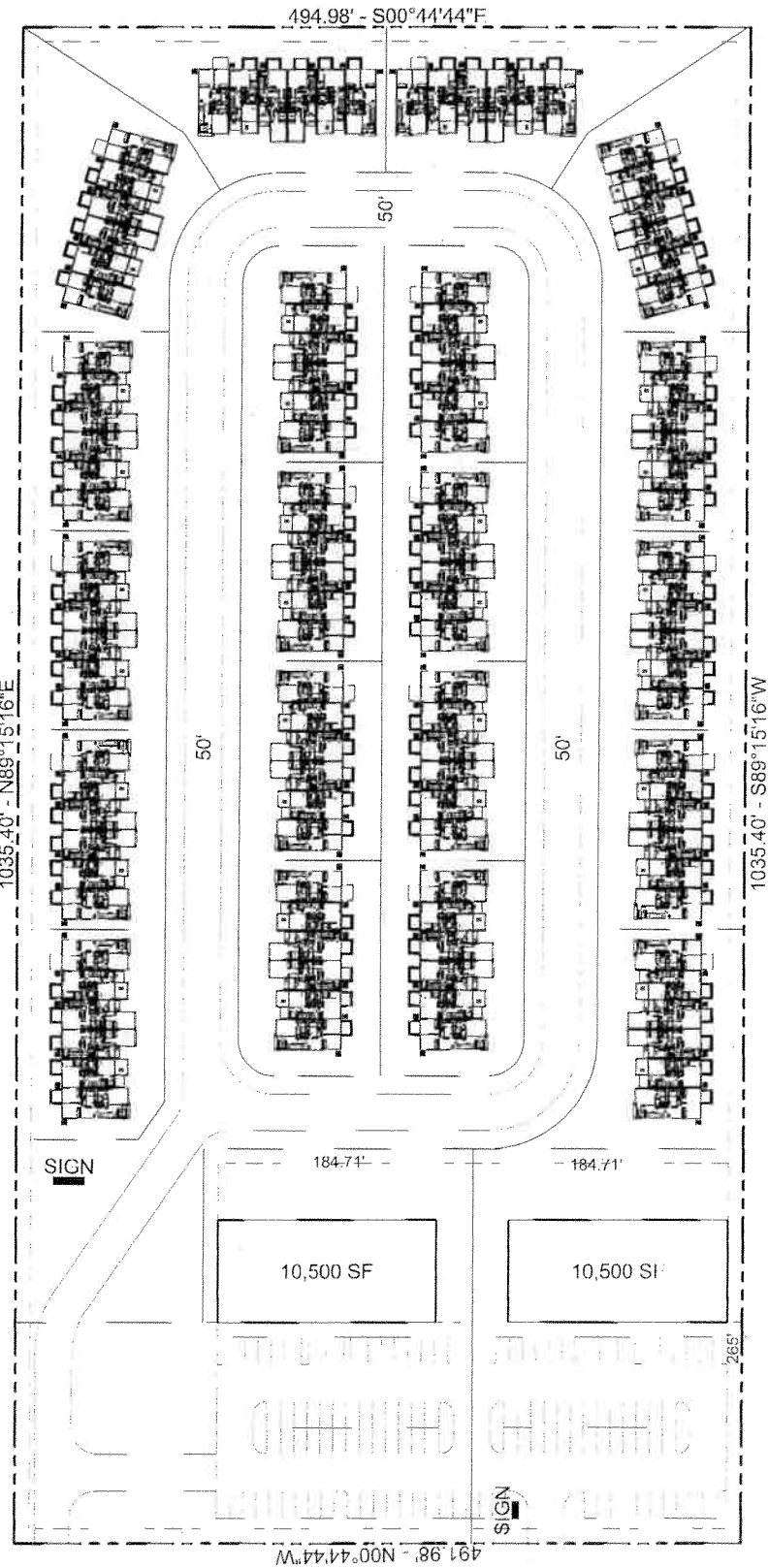
10-01-14



SCALE
80'



1"=80' HORIZ.



NOTE: PLEASE BE ADVISED THIS SITE PLAN IS FOR GENERAL PLAYING ONLY. SITE PLAN IS SUBJECT TO CHANGE BASED ON LOCAL MUNICIPALITY FINAL PERMITTING CRITERIA.

KERNAN BOULEVARD

EXHIBIT E - 3

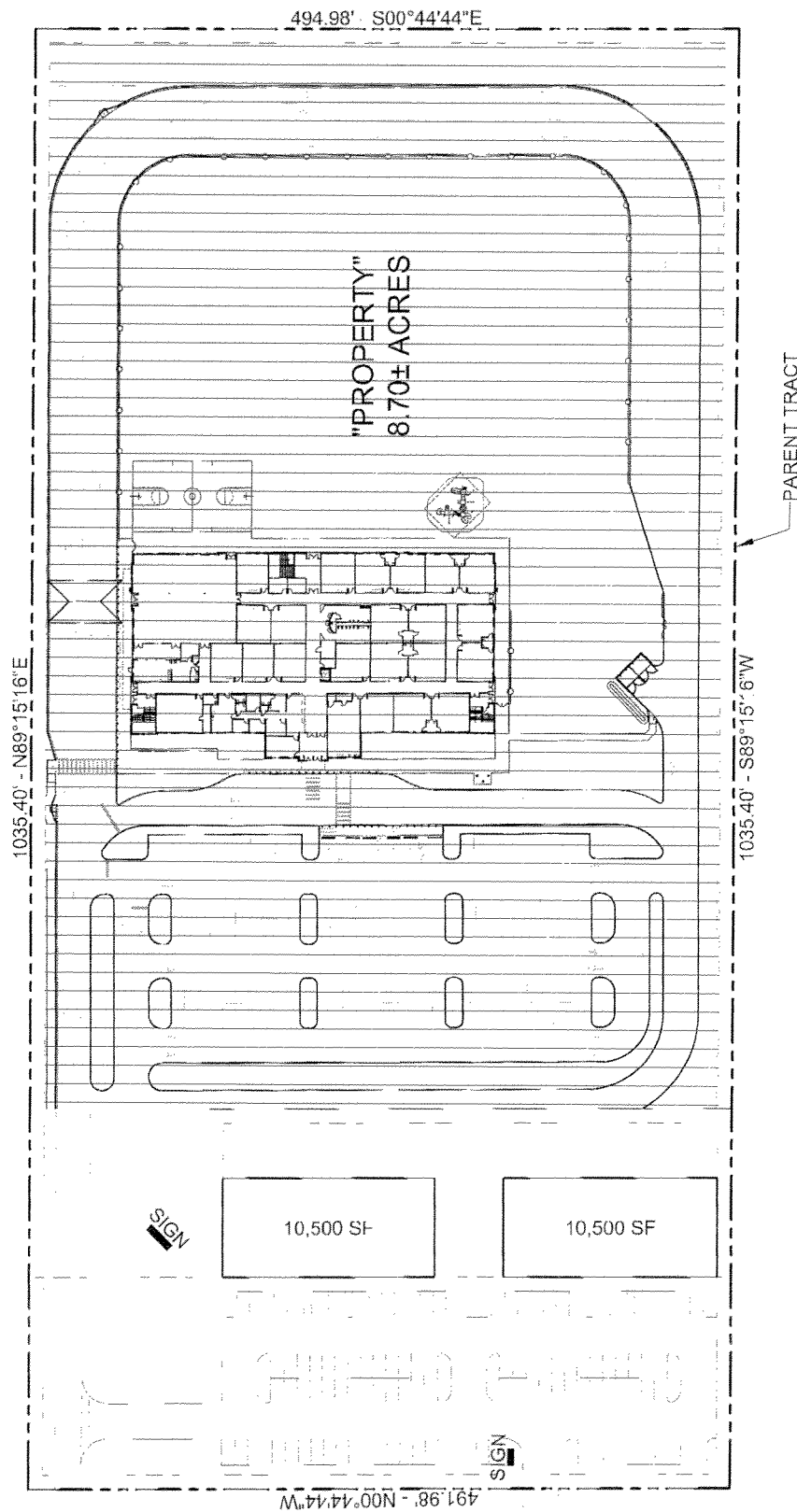
10-01-14



SCALE



1"=80' HORIZ.



NOTE: PLEASE BE ADVISED THIS SITE PLAN IS FOR GENERAL PLANNING ONLY. SITE PLAN IS SUBJECT TO CHANGE BASED ON LOCAL MUNICIPALITY FINAL PERMITTING CRITERIA.

EXHIBIT F

PUD Name

Kernan Boulevard II - Single family F1

Date

Nov 13, 2014

Land Use Table

Total gross acreage	11.69	Acres	100 %
Amount of each different land use by acreage			
Single family	6.79	Acres	58 %
Total number of dwelling units	52	D.U.	
Multiple family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Commercial	2.13	Acres	18 %
Industrial	0	Acres	0 %
Other land use	0	Acres	0 %
Active recreation and/or open space	0	Acres	0 %
Passive open space, wetlands, pond	0.5	Acres	5 %
Public and private right-of-way	2.27	Acres	19 %
Maximum coverage of non-residential buildings and structures	48,090	Sq. Ft.	42 %

EXHIBIT F

PUD Name

Kernan Boulevard II - Multi-family F2

Date

Nov 13, 2014

Land Use Table

Total gross acreage	11.69	Acres	100 %
Amount of each different land use by acreage			
Single family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Multiple family	6.79	Acres	58 %
Total number of dwelling units	120	D.U.	
Commercial	2.13	Acres	18 %
Industrial	0	Acres	0 %
Other land use	0	Acres	0 %
Active recreation and/or open space	0.5	Acres	5 %
Passive open space, wetlands, pond	0	Acres	0 %
Public and private right-of-way	2.27	Acres	19 %
Maximum coverage of non-residential buildings and structures	48,090	Sq. Ft.	42 %

EXHIBIT F

PUD Name

Kernan Boulevard II - School F3

Date

Nov 13, 2014

Land Use Table

Total gross acreage	11.69	Acres	100 %
Amount of each different land use by acreage			
Single family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Multiple family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Commercial	2.76	Acres	23 %
Industrial	0	Acres	0 %
Other land use	8.07	Acres	69 %
Active recreation and/or open space	0	Acres	0 %
Passive open space, wetlands, pond	0	Acres	0 %
Public and private right-of-way	0.23	Acres	8 %
Maximum coverage of non-residential buildings and structures	153,548	Sq. Ft.	30 %

VOL 3595 PG 75

OFFICIAL RECORDS

DEED OF CONVEYANCE TO TRUSTEE UNDER LAND TRUST AGREEMENT

THIS INDENTURE made the 29th day of August, 1973, between Alexander Brest, a single man, Nellie A. Hodges and George H. Hodges, her husband, Baron De Hirsch Meyer and Polly De Hirsch Meyer, his wife, Leonard L. Abess and Bertha U. Abess, his wife, Mitchell Wolfson and Frances Wolfson, his wife, Richard F. Wolfson and Elaine R. Wolfson, his wife, Max E. Kahn and Rubye Kahn, his wife, Gateway Operating Company, a corporation, Milofran, Inc., a corporation, and D. Jack Kugelman, Jane S. Kugelman and Leonard Fink, as Trustees of "The Sylvia K. Kugelman Trust" and as Trustees of "The Kugelman Trust", GRANTORS; and CITY NATIONAL BANK OF MIAMI, Miami, Florida, a national banking corporation organized under the laws of the United States, and duly authorized to accept and execute trusts within the State of Florida, GRANTEE and as Trustee under the provisions of a certain Liquidating Land Trust Agreement (Trust Agreement), dated the 2nd day of August, 1973, and known as Trust Number 5196-5.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
9012106
\$00.30
ALHROD
COUNTY

WITNESSETH

That the said Grantors, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid by said Grantee, receipt of which is hereby acknowledged, have and do hereby convey to the said Grantee as trustee aforesaid, the following described lands situate, lying and being in the County of Duval, State of Florida, to wit:

Those certain lands situate and being in said County and State commonly known and referred to as the "Swallow-Hopkins Lands", and more particularly described on Schedule "A" hereto attached and by reference made a part hereof. Subject, however, to the covenants, easements, restrictions, and rights-of-way set forth on said Schedule "A".

W

This instrument was prepared by
WILLIAM T. ROGERS
2239 Barnett Bank Building
Jacksonville, Florida 32202

073017
COUNTY
FLORIDA
DOCUMENTARY SURTAX
\$00.55

4000

OFFICIAL RECORDS.

TO HAVE AND TO HOLD the said real estate with the appurtenances thereunto belonging upon the trust and for the uses and purposes herein and in said Liquidating Land Trust Agreement set forth, that is:

Full power and authority is hereby granted to said Trustee to hold, protect and preserve said lands; to improve, manage, contract to sell, grant options to purchase, sell all or any part thereof for cash or on terms, and take, foreclose, assign and release mortgages thereon; to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee; to convey title to any of such lands, either with or without consideration, and donate or dedicate said property, or any part thereof for parks, streets or highways; to lease said property, or any part thereof, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms or for any period or periods of time, not exceeding in the case of any single demise the term of 99 years; to renew or extend leases upon any terms and for any period or periods of time, and to amend, change, or modify leases and the terms and provisions thereof at any time or times hereafter; to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion, and to make agreements fixing the amount of present and future rentals; to exchange said property or any part thereof, for other real or personal property; to grant easements over and across parts of or all of said property; to release, convey or assign any right, title or interest in or to said property, or any part thereof; to place restrictions on the use of said property, or any part thereof; and to deal with said property and every part thereof in all ways and for such considerations as it would be lawful for any person owning the same to do, whether similar to or different from the ways above specified.

OFFICIAL RECORDS.

In no case shall any party dealing with said Trustee in relation to said real estate or to whom said real estate or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement or Declaration of Trust; and every deed, trust deed, mortgage, lease or other instrument executed by said Trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument (a) that at the time of delivery thereof the trust created by this Indenture and by said Trust Agreement and Declaration of Trust was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said Trust Agreement and Declaration of Trust and binding upon all beneficiaries thereunder, (c) that said Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument, and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of the said predecessor in trust.

Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with said real estate may be entered into by it in the name of ^{the} then beneficiaries under said Trust Agreement and Declaration of Trust, as their attorney in fact, hereby irrevocably appointed for such purpose, or, at the election

OFFICIAL RECORDS.

of said Trustee, in its own name as Trustee of an express trust and not individually and the Trustee shall have no obligation whatsoever with respect to any such contract, obligation or indebtedness except only so far as the trust property and funds in the actual possession of the Trustee shall be applicable for the payment and discharge thereof, and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of each and every beneficiary hereunder and under the Trust Agreement and Declaration of Trust hereinbefore referred to and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate a. such but only an interest in the earnings, avails and proceeds thereof as aforesaid.

And the Grantors fully warrant the title to said real estate and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under them.

IN WITNESS THEREOF the individual Grantors aforesaid have hereunto set their hand and seals, the corporate Grantors have caused this instrument to be executed in their corporate name by their duly authorized officers and their corporate seals affixed, and the trustees of the Kugelman Trusts, being duly empowered, have hereunto set their respective hands and seals, all as of the day and year first above written.

Signed, Sealed and Delivered in our Presence:

[Handwritten Signature]

[Handwritten Signature] (SEAL)
Alexander Brest

[Handwritten Signature]
As to Brest:

OFFICIAL RECORDS

William L. Jones
As to Hodges
Margaret R. Jones
As to Meyer

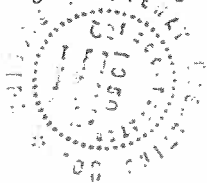
James L. Abess
As to Abess

Quar. Members
Jay L. McDonald
As to Wolfson

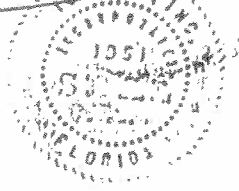
Jay L. McDonald
Quar. Members
As to Wolfson

Frances Mason
Orlba McMill
As to Kahn

Quar. Members
Jay L. McDonald
As to Gateway Operating Co.



Jay L. McDonald
Quar. Members
As to Highbeam, Inc.



Nellie A. Hodges (SEAL)
Nellie A. Hodges

George H. Hodges (SEAL)
George H. Hodges

Baron DeHirsch Meyer (SEAL)
Baron DeHirsch Meyer

Foley DeHirsch Meyer (SEAL)
Foley DeHirsch Meyer

Leonard L. Abess (SEAL)
Leonard L. Abess

Bertha U. Abess (SEAL)
Bertha U. Abess

Mitchell Wolfson (SEAL)
Mitchell Wolfson

Frances Wolfson (SEAL)
Frances Wolfson

Richard F. Wolfson (SEAL)
Richard F. Wolfson

Elaine R. Wolfson (SEAL)
Elaine R. Wolfson

Max E. Kahn (SEAL)
Max E. Kahn

Ruby E. Kahn (SEAL)
Ruby E. Kahn

GATEWAY OPERATING COMPANY

By Mitchell Wolfson
Its PRESIDENT

Attest [Signature]
Its SECRETARY

(Corporate Seal)

MILOPRAN, INC.

By Mitchell Wolfson
Its PRESIDENT

Attest [Signature]
Its SECRETARY

(Corporate Seal)

Rose Marie Castro

Charlotte Sellers
As to D. Jack Kugelman

Rose Marie Castro

Charlotte Sellers
As to Jane S. Kugelman

Anne Elizabeth ...

Jean E. Smiley
As to Fink

D. Jack Kugelman (SEAL)
D. Jack Kugelman

Jane S. Kugelman (SEAL)
Jane S. Kugelman

Leonard Fink (SEAL)
Leonard Fink

AS TRUSTEES OF "THE SYLVIA K. KUGELMAN TRUST" and " THE KUGELMAN TRUST"

STATE OF FLORIDA
COUNTY OF DUVAL

Before me, the undersigned Notary Public, personally appeared ALEXANDER BREST, a single person, to me known and known to me to be the individual described in, and who executed the foregoing instrument, and he acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 29th day of August 1973.

Belinda W. Lee
Notary Public
My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JUNE 10, 1977

STATE OF FLORIDA
COUNTY OF DUVAL

Before me the undersigned Notary Public, personally appeared GEORGE H. HODGES and NELLIE A. HODGES, his wife, to me known and known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 29th day of August 1973.

Belinda W. Lee
Notary Public
My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JUNE 10, 1977

OFFICIAL RECORDS.

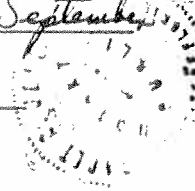
STATE OF Florida
COUNTY OF Dade

Before me, the undersigned Notary Public, personally appeared BARON DeHIRSCH MEYER and POLLY DeHIRSCH MEYER, his wife, to me known and known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged before me that they executed the same for the purposes therein expressed.

1973. WITNESS my hand and official seal this 11 day of September

Margaret R. Jones
Notary Public
My Commission expires:

July 6, 1976



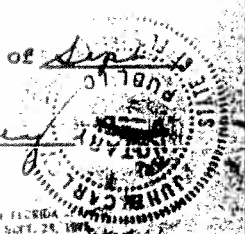
STATE OF Florida
COUNTY OF Dade

Before me, the undersigned Notary Public, personally appeared LEONARD ABESS and BERTHA U. ABESS, his wife, to me known and known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged before me that they executed the same for the purposes therein expressed.

1973. WITNESS my hand and official seal this 7 day of Sept

Dune Carley
Notary Public
My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES SEPT. 29, 1977



STATE OF Florida
COUNTY OF Dade

Before me, the undersigned Notary Public, personally appeared MITCHELL WOLFSON and FRANCES WOLFSON, his wife, to me known and known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged before me that they executed the same for the purposes therein expressed.

1973. WITNESS my hand and official seal this 5th day of Sept

Margie S. Gauthier
Notary Public
My Commission expires:
NOTARY PUBLIC, STATE OF FLORIDA of LARGE
MY COMMISSION EXPIRES APR. 18, 1977
Linda G. Free General Insurance Underwriters



OFFICIAL RECORDS.

STATE OF Florida
COUNTY OF Dade

Before me, the undersigned Notary Public, personally appeared RICHARD F. WOLFSON and ELAINE W. WOLFSON, his wife, to me known and known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 5th day of September 1973.

Margie S. Gauthwaite
Notary Public
My Commission expires: APR. 18, 1977
NOTARY PUBLIC, STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES APR. 18, 1977
I hold the Degree of Notary Public Underwriters
STATE OF FLORIDA

STATE OF Georgia
COUNTY OF Fulton

Before me, the undersigned Notary Public, personally appeared MAX KAHN and RUBY KAHN, his wife, to me known and known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 1st day of Oct 1973.

Della McSire
Notary Public
My Commission expires: Dec. 16, 1974
NOTARY PUBLIC, STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES DEC. 16, 1974
I hold the Degree of Notary Public Underwriters
STATE OF FLORIDA

STATE OF Florida
COUNTY OF Dade

Before me, the undersigned Notary Public, personally appeared Mitchell Wolfson and Richard F. Wolfson who being by me first July sworn, state that they are the President and Secretary, respectively, of GATEWAY OPERATING COMPANY the corporation named in the foregoing instrument, and known to me to be the persons who as such officers of said corporation, executed the same; and then and there they severally acknowledged to and before me that said instrument is the free act and deed of said corporation by them respectively executed as such officers for the purposes therein expressed and that the seal thereunto attached is its corporate seal by them in like capacity affixed, all under authority in them duly vested by the Board of Directors and the stockholders of said corporation.

WITNESS my hand and official seal this 5th day of Sept. 1973.

Margie S. Gauthwaite
Notary Public
My Commission expires: APR. 18, 1977
NOTARY PUBLIC, STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES APR. 18, 1977
I hold the Degree of Notary Public Underwriters
STATE OF FLORIDA

OFFICIAL RECORDS.

STATE OF FLORIDA

COUNTY OF DADE

Before me, the undersigned Notary Public, personally appeared Mitchell Wolgan and Rich... who being by me first duly sworn, state that they are the President and Secretary, respectively, of MILOFRAN, INC., the corporation named in the foregoing instrument, and known to me to be the persons who as such officers of said corporation, executed the same; and then and there they severally acknowledged to and before me that said instrument is the free act and deed of said corporation by them respectively executed as such officers for the purposes therein expressed and that the seal thereunto attached is its corporate seal by them in like capacity affixed, all under authority in them duly vested by the Board of Directors and the stockholders of said corporation.

WITNESS My hand and official seal this 5th day of Sept. 1973.

Margie S. Yancharita
Notary Public
My Commission expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES APR. 18, 1977

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Before me, the undersigned Notary Public, personally appeared D. JACK KUGELMAN, to me known and known to me to be the individual described in, and who executed the foregoing instrument, as Trustee of "The Kugelman Trust" and "The Sylvia K. Kugelman Trust" and he acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 24th day of September 1973.

Rose Marie Carter
Notary Public
My commission expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES NOV. 6, 1978

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Before me, the undersigned Notary Public, personally appeared JANE S. KUGELMAN, to me known and known to me to be the individual described in, and who executed the foregoing instrument, as Trustee of "The Kugelman Trust" and "The Sylvia K. Kugelman Trust" and she acknowledged before me that she executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 24th day of September 1973.

Rose Marie Carter
Notary Public
My Commission expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES NOV. 6, 1978

OFFICIAL RECORDS.

STATE OF FLORIDA

COUNTY OF *Duval*

Before me, the undersigned Notary Public, personally appeared LEONARD PINK, to me known and known to me to be the individual described in and who executed the foregoing instrument as Trustee of "The Kugelman Trust" and "The Sylvia K. Kugelman Trust" and he acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal this *10th* day of *October*, 1973.

Annie C. Cokerhouse
Notary Public

My Commission expires

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 2, 1974

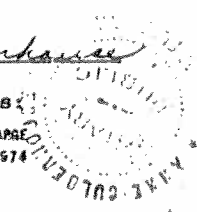


EXHIBIT "A"

Those certain parcels of land, lying and being in the County of Duval and State of Florida, more particularly described as follows:

In Township Two (2) South, Range Twenty-Eight (28) East:

The following portions of Section Three (3), Lots Three (3) and Four (4) and Lots Nine (9) to Fourteen (14) inclusive, except the portions thereof lying in Girvin Road, Mount Pleasant Road and McCormick Road, and excepting also the small family burying ground now or formerly enclosed by a fence in Lot Ten (10), a short distance West of Mount Pleasant Road; also that part of Lot Eight (8) lying south of Girvin Road.

All of fractional section four (4), being Government Lots One (1) to Eight (8) both inclusive, and the fractional Southeast One-Quarter (SE 1/4) except the portion of said section in McCormick Road and the portion of Lot Five (5) lying south of McCormick Road.

Government Lots One (1) and Six (6), in Section Five (5).

All of Section Nine (9), Government Lots One (1) to Four (4).

Government Lots Two (2) to Seven (7) both inclusive, and Nine (9) to Sixteen (16) both inclusive, and all of Lot Eight (8), except the North Three Hundred Twenty-Two (322) feet of the East Eight Hundred Forty (840) feet thereof, Section Ten (10).

The West one-half of Government Lot Six (6) and all of Government Lots Seven (7), Eight (8) and Nine (9), in Section Eleven (11).

Lot Three (3) and the portion of Lots One (1), Two (2), Four (4), Five (5) and Nine (9), lying west of Girvin Road as now located, all in Section Fourteen (14).

The West one-half (W 1/2) and the Northeast One-Quarter (NE 1/4) of Section Fifteen (15).

All of fractional Section Sixteen (16).

In Section 17, all of said section lying south of Atlantic Boulevard and east of St. Johns Bluff Road Extension as described in a deed from S & H Company to Duval County, recorded in Deed Book 1107, page 337, of the public records of said county. Also that portion of said section lying north of Atlantic Boulevard south of Craig Field, and east of a line described as follows: Begin at a point Two Hundred (200) feet east measured along the north line of Atlantic Boulevard from the southeast corner of a parcel conveyed by S & H Company to Phillip Adeeb by deed recorded in Deed Book 1263, page 130, of the public records of Duval County. Said line runs due North from said point of beginning to Craig Field, Craig Field being described in a deed from S & H Company

- OFFICIAL RECORDS -

to the City of Jacksonville recorded in Deed Book 934, page 272 of the public records of said county.

In Section Nineteen (19), the portion lying east of St. Johns Bluff Road Extension as described in deed from S & H Company to Duval County, recorded in Deed Book 1107, page 337, of the current public records of Duval County, Florida.

All of Section Twenty (20), except the portions thereof lying in Atlantic Boulevard.

All of Section Twenty-One (21), except the portion thereof lying in Atlantic Boulevard.

All of Section Twenty-Two (22), lying south of Atlantic Boulevard; all of Section Twenty-Two (22), lying West of Girvin Road and North of Atlantic Boulevard except the part described in Deed Book 1377, page 367.

All that part of fractional Section Twenty-Three (23), lying south of Atlantic Boulevard.

All of Section Twenty-Seven (27).

All of Section Twenty-Eight (28).

All of Section Twenty-Nine (29).

All that part of Section Thirty (30) lying east of the East line of St. Johns Bluff Road Extension as described in Deed from S & H Company to Duval County recorded in Deed Book 1107, page 337.

All that part of Section Thirty-One (31) lying south of Beach Boulevard except the West 500 feet of Government Lots Fifteen (15) and Sixteen (16).

The East one-half (E 1/2) of the Northeast one-quarter (NE 1/4) and the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of Section Thirty-Three (33), excepting therefrom that part thereof lying in Beach Boulevard.

All of Section Thirty-Four (34), except the portion thereof lying in Beach Boulevard.

All that part of Section Thirty-Five (35) lying South of Beach Boulevard and all that part of the West one-half (W 1/2) of Section Thirty-Five (35) lying North of Beach Boulevard, except the part of said West one-half (W 1/2) platted as Golden Glades, Unit Three (3), according to plat recorded in Plat Book 22, page 44 of the current public records of Duval County, Florida.

All of the F. Richard Grant, Section Thirty-Nine (39), except that portion thereof conveyed to the City of Jacksonville by deed recorded in Deed Book 934, page 272 and further excepting that portion lying in McCormick Road; and further excepting that portion described in deed to Holly Oaks Builders, Inc., recorded in Deed Book 1642, Page 260.

That portion of Antelm Gay Grant, Section Forty (40), lying west of Mount Pleasant Road and also that portion lying east of Mount Pleasant Road described as follows: The northerly boundary begins at a point marked by an iron in the east line of Mount Pleasant Road Twelve Hundred Feet (1200') measured along the east line of

OFFICIAL RECORDS.

Mount Pleasant Road in a southerly direction from the point where the east line of the Mount Pleasant Road intersects the north line of Section Forty (40). From said point, the northerly boundary runs north Eighty-Two (82) degrees Thirty (30) minutes east Fifteen Hundred Ninety-One Feet (1591') to a point marked by an iron in the marsh bordering a creek; thence north Seventy (70) degrees east Three Hundred Thirty-One Feet (331') more or less to the easterly boundary. The easterly boundary begins at the southeast corner of Section Forty (40) and runs thence north Sixteen (16) degrees west Fourteen Hundred Forty-Nine Feet (1449') more or less to the easterly end of the northern boundary, the said easterly boundary being the line which is the easterly boundary of the southern portion of said section and if necessary, a continuation in a straight line of said line after the section line turns from the straight line in an easterly direction. The southerly boundary begins at the Southeast corner of Section Forty (40) and runs thence south Seventy-Five (75) degrees west Eighteen Hundred Thirty-Five and Five-Tenths (1835.5') more or less along the southerly line of said section to the east line of Mount Pleasant Road. The westerly boundary runs along the east line of Mount Pleasant Road from the westerly end of the south boundary to the westerly end of the north boundary a distance of Fourteen Hundred Forty (1440) Feet more or less.

In Township 3 South, Range 28 East:

All of Section Two (2).

All of Section Three (3), except the South one-half of the Southwest one-quarter (SW 1/4), the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) and part described in Deed Book 1345, page 266.

All of Section Four (4), except the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) and the part described in Deed Book 1345, Page 266.

All of Section 5.

All of Section Six (6), except Government Lots Five (5), Six (6), Fifteen (15), and Sixteen (16).

All of Section Eleven (11), except the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) and West one-half (W 1/2) of the Southwest one-quarter (SW 1/4) and the part thereof described in Deed Book 1511, page 492.

The aforesaid land is the same land as described in Deed dated March 2, 1954, between Nassau Construction Company (Grantor) and Baron Dehirsch Meyer, Leonard L. Abess, Mitchell Wolfson, Richard F. Wolfson, Nellie A. Hodges, Alexander Brest, Edgar M. Kugelman, Max E. Kahn, and Arthur A. Ungar (Grantees), recorded in Deed Book 1660, Page 564 et seq., current public records of Duval County, Florida.

(The above-described lands are commonly known as and sometimes referred to as the "Swallow-Hopkins lands" or "tract").

LESS AND EXCEPTING from the above-described lands the pieces and parcels thereof heretofore sold or otherwise disposed of, as described in the following deeds or other instruments:

1. Deed of dedication to the City of Jacksonville, a municipal corporation in Duval County, Florida, its successors and assigns, the following lands:

A portion of Section 28, Township 2 South, Range 28 East, Duval County, Florida, said portion lying 40 feet right and 80 feet left of the following described line: Begin at the intersection of the northerly right-of-way line of Beach Boulevard with the centerline of Huffman Boulevard (80 foot right-of-way); thence North 0 degrees 39 minutes 30 seconds West, along the centerline and a northerly prolongation of said centerline, a distance of 5,392.04 feet to an intersection with an easterly prolongation of the northerly right-of-way line of Alden Road and the terminus of said centerline. Excepting from the above any portion of Huffman Boulevard as now existing, also any portion of Alden Road as now existing, also any portion of lands described in Official Records volume 3201, pages 797 and 798.

A strip of land 200 feet wide across a part of Section 4, Township 3 South, Range 28 East, Duval County, Florida, the centerline described as follows: Commence at the northwest corner of said Section 4; thence North 88 degrees 39 minutes 37 seconds East, along the northerly line of said Section 4, a distance of 411.01 feet to the point of beginning; thence South 17 degrees 28 minutes 01 second East, a distance of 1,464.38 feet to the point of terminus of said centerline, the above parcel being bounded on the north by the north line of said Section 4, on the south by the northerly line and an easterly prolongation of said northerly line of lands described as Parcel 4, in Official Records volume 3035, page 41.

SUBJECT TO certain restrictive covenants, reservations and conditions contained in said Deed of Dedication.

2. That part and parcel deeded to Charles Roberts on or about October 16, 1962, as follows:

A part of Government Lot 3, Section 4, 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 line of said Section 4, with Easterly right-of-way line of Fort Caroline Monument Road (State Road No. S-113 as now established as a 120 foot right-of-way); thence run South 0 degrees 44 minutes 48 seconds East, along said Easterly right-of-way line of Fort Caroline Monument Road, a distance of 150.00 feet to the point of beginning; thence run North 89 degrees 05 minutes 12 seconds East, parallel with and 150 feet from the aforementioned North line of Section 4 and along the South line of a 150 foot right-of-way of the Jacksonville Electric Authority, a distance of 1043.55 feet; thence run South 0 degrees 44 minutes 48 seconds East,

OFFICIAL RECORDS.

parallel with aforementioned Easterly right-of-way line of Fort Caroline Monument Road, a distance of 417.42 feet; thence run South 89 degrees 05 minutes 12 seconds West, parallel with the aforementioned North line of Section 4, a distance of 1043.55 feet; thence run North 0 degrees 44 minutes 48 seconds West, along the aforementioned Easterly right-of-way line of Fort Caroline Monument Road, a distance of 417.42 feet to the point of beginning.

3. Deed to Shell Oil Company recorded in OR, Duval County, Florida, volume 3424 page 728 et seq.

4. Deed to the State of Florida, for use and benefit of the State of Florida Department of Transportation, recorded in OR, Duval County, Florida, volume 3216 page 665 et seq.

5. Deed to Leonard L. Cohn and Donald D. Cohn, recorded in OR, Duval County, Florida, volume 3065, page 66 et seq.

6. Deed to City of Jacksonville, a political subdivision of the State of Florida, recorded in OR, Duval County, Florida, volume 3073, page 739.

7. Deed to City of Jacksonville, Florida recorded in OR, Duval County, Florida, volume 3035 page 41, et seq.

8. Deed to Internal Improvement Fund of the State of Florida, recorded in OR, Duval County, Florida, volume 3021 page 863, et seq.

9. Deed to Duval County, Florida, recorded in OR, Duval County, Florida, volume 2993 page 492, et seq.

10. Deed to City of Jacksonville, Florida recorded in OR Duval County, Florida, volume 2887 page 921, et seq.

11. Deed to Jacksonville Expressway Authority, recorded in OR Duval County, Florida, volume 2874 page 525, et seq.

12. Deed to Board of Public Instruction of Duval County, Florida, recorded in OR 2798 page 673, et seq.

13. Deed to Jacksonville Expressway Authority, recorded OR Duval County, Florida, volume 2735 page 527, et seq.

14. Deed to Dunes, recorded in OR Duval County, Florida, volume 2509 page 1197, et seq.

15. Right-of-way deed to Duval County, Florida, recorded in OR Duval County, Florida, volume 2453, page 1183, et seq.

16. Deed to Stemico Inc., recorded in OR Duval County, Florida, volume 1101, page 583 et seq.

17. Deed and grant of easement to Duval County, Florida, recorded in OR Duval County, Florida, volume 824 page 384 et seq.

18. Deed to Pinecrest Development Co., recorded in OR Duval County, Florida volume 816, page 483 et seq.

OFFICIAL RECORDS.

19. Deed to Stemico, recorded in OR Duval County, Florida, volume 328, page 392 et seq.

20. Deed to Joseph P. Hurley, as Bishop of the Diocese of St. Augustine recorded in OR Duval County, Florida, volume 188, page 423 at seq.

21. Deed to Joseph P. Hurley as Bishop of the Diocese of St. Augustine, recorded in OR Duval County, Florida, volume 55, page 236.

22. Quit-Claim Deed from Edgar M. Kugelman and Sylvia K. Kugelman to Duval County, Florida, recorded in OR 1771, page 224 Duval County, Florida with right of reverter in case described land is abandoned for right-of-way purposes.

23. Deed to Justin C. Montgomery, recorded in OR Duval County, Florida, volume 3481, page 638, et seq.

24. Deed dated January 17, 1973, recorded in OR Duval County, Florida, volume 3481 page 633 et seq. conveying to Justin C. Montgomery the following described lands, being a part of the "Swallow-Hopkins Tract:"

25. Deed to Fletcher Properties, Inc., recorded in OR Duval County, Florida, volume 3518, page 465 et seq.

26. Deed to Lynwood G. Willis and Thomas H. Greene, as Trustees of St. Johns Trust, recorded in OR Duval County, Florida, volume 3559, page 370 et seq.

27. Also, any other pieces or parcels of the Swallow-Hopkins Lands heretofore sold and or disposed of by the Grantors or beneficiaries under the instrument of which this Schedule "A: is made a part, not herein set forth.

A ten acre parcel lying easterly of Parcel 4; a part of Section 5, Township 3 South, Range 28 East, Duval County, Florida, and being more particularly described as follows:

Commencing at the northwest corner of said Section 5; thence North 88 degrees 58' 42" East along said north line of Section 5 a distance of 2500 feet to the point of beginning; thence continue along said north line of Section 5 North 88 degrees 58' 42" East a distance of 310.20 feet; thence South 1 degree 20' 58" East a distance of 1404.17 feet to a point in the northerly right-of-way line of Campus Road a 150 foot right-of-way as now established; thence South 88 degrees 56' 40" West along said northerly right-of-way line of Campus Road a distance of 310.20 feet; thence North 1 degree 20' 58" West a distance of 1404.35 feet to the point of beginning. Lands thus described contain 10 acres, more or less.

The remaining Swallow-Hopkins lands, or such portions thereof as may be effected, are SUBJECT, HOWEVER, to the following:

1. Easement for drainage to City of Jacksonville, Florida over and across the following described lands.

A 45-foot lateral ditch right-of-way (the survey line of which is shown on Department of Transportation Drawing Section 72500-2634) across a part of Section 29, Township 2 South, Range 28 East, Duval County, Florida, said

OFFICIAL RECORDS.

lateral ditch right-of-way lying 25 feet right and 20 feet left of the following-described line: Begin at Station 157 00.00; thence North 2 degrees 23 minutes 10 seconds West, a distance of 100.00 feet; thence North 13 degrees 43 minutes 48 seconds East, a distance of 1,514.13 feet to the terminus of said line.

A 45-foot lateral ditch right-of-way (the survey line of which is shown on Department of Transportation Drawing Section 72500-2634) across a part of Section 29, Township 2 South, Range 28 East, Duval County, Florida, said lateral ditch right-of-way lying 25 feet right and 20 feet left of the following-described line: Begin at Station 141 00.00; thence North 13 degrees 23 minutes 10 seconds West, a distance of 1,654 feet to the Terminus of said line.

RESERVING unto the grantor always the right to cross the easements herein described with roads, sidewalks, railroads, utilities and fences and the owners shall have the right to use said easement areas for any other use or purpose so long as such use does not interfere with the facilities of the party of the second part, and the party of the second part's right of ingress and egress. Also reserving to the owners all spoil dirt removed in the digging said ditches with the right to remove same as soon as placed on the side or bank of said ditches. All timber on the above-described lands is reserved, together with the right to cut and remove same, until construction of said ditches has begun.

2. Easement to Jacksonville Electric Authority for Guying as shown in deed, recorded in OR Duval County, Florida, volume 3358, page 549 et seq.

3. Easement to Jacksonville Expressway Authority as shown by deed, recorded in OR Duval County, Florida, volume 2947, page 544 et seq.

4. Easement to Jacksonville Expressway Authority, as shown by deed recorded in OR Duval County, Florida, volume 2906, page 186 et seq.

5. Easement to Jacksonville Expressway Authority as shown by deed recorded in OR Duval County, Florida, volume 2825 page 677 et seq.

6. Easement to City of Jacksonville, Florida, as shown by deed recorded in OR Duval County, Florida, volume 2379, page 474 et seq.

7. Easement to City of Jacksonville, Florida, as shown by deed recorded in OR Duval County, Florida, volume 1781, page 212 et seq.

OFFICIAL RECORDS.

8. Easement to City of Jacksonville, Florida, as shown by deed recorded in OR Duval County, Florida, volume 1781, page 206 et seq.

9. Non-exclusive easement for ingress and egress, as contained in deed dated July 1, 1970, between Baron Dehirsch Meyer et al to Barnett Banks of Florida, Inc., recorded in OR Duval County, Florida, volume 3150, page 1002 et seq.

10. Non-exclusive easement for drainage purposes as contained in deed dated May 8, 1969, given by Malvern B. Fink, et al, as Executor of the Estate of Edgar M. Kugelmann, deed to Trustees of Internal Improvement Fund of the State of Florida, said deed being recorded in OR Duval County, Florida volume 3021, page 863 et seq.

11. Perpetual easement for access to Duval County, Florida as shown in deed in OR Duval County, Florida, volume 824, page 384 et seq.

12. Drainage ditch easement recorded in the public land records of Duval County, Florida, and the rights of the State of Florida in drainage ditches which said recorded easements were intended to cover but which ditches were not dug according to the descriptions in said easements.

13. Borrow pit easements recorded in the public land records of Duval County, Florida if any, which have not expired.

14. Telephone right-of-way 100 feet wide through Sections 20, 21, 22, and 23 and a portion of section 19, township 2 South, Range 28 East, said right-of-way being along the northern 100 feet of the southern quarter-quarter sections, or corresponding lot of said sections all as shown in deed recorded in OR Duval County, Florida, volume 1650, page 567.

15. A private road easement from the lands of George H. Hodges in Section 3 and 4, Township 3 South, Range 28 East, to San Paniel in the southern part of Section 33, Township 2 South, Range 28 East and an electric power line easement to the City of Jacksonville along said private road easement.

16. A private road easement to A. C. Skinner described in deed recorded in OR Duval County, Florida, volume 1641, page 241.

17. A power line easement across the eastern part of the portion of Lot 8, Section 3, Township 2 South, Range 28 East herein described.

18. The mineral rights retained by the State of Florida in the fractional Southeast one-quarter of Section 4, Township 2 South, Range 28 East, by deed recorded in Deed Book 1254, page 105, of the public records of Duval County, Florida.

19. The rights of Duval County, Florida, in a ditch as now existing, dug by it, beginning at the north edge of Atlantic Boulevard in the middle of Section 21, Township 2 South, Range 28 East, running north about 1/2 mile and thence east to the

OFFICIAL RECORDS.

headwaters of Mount Pleasant Creek in Section 22, Township 2 South, Range 28 East.

20. A power line easement to the City of Jacksonville, the location of which has not yet been agreed upon, from the western boundary of Lot 4, Section 6, Township 3 South, Range 28 East, to the south line of Beach Boulevard in the portion of Section 31, Township 2 South, Range 28 East herein described.

21. Mortgage of Lynwood G. Willis and Thomas H. Greene to Alexander Brest et al recorded in OR Duval County Florida, volume 3559 page 378 et seq.

NOTE: Any mention of undivided interests in the deeds referred to in the "Exceptions" set forth in this Schedule "A" or in the Easement, restrictions, etc. set forth herein, shall be disregarded, as it is the intent to describe 100% of the lands mentioned and described in said deeds.

Also it is the intent of the Grantors named in the deed or in the Liquidating Land Trust Agreement, of which this Schedule "A" is made a part, to transfer to the Trustees of the Liquidating Land Trust all of the Swallow-Hopkins Lands which they, the grantors, now own.

73- 72963

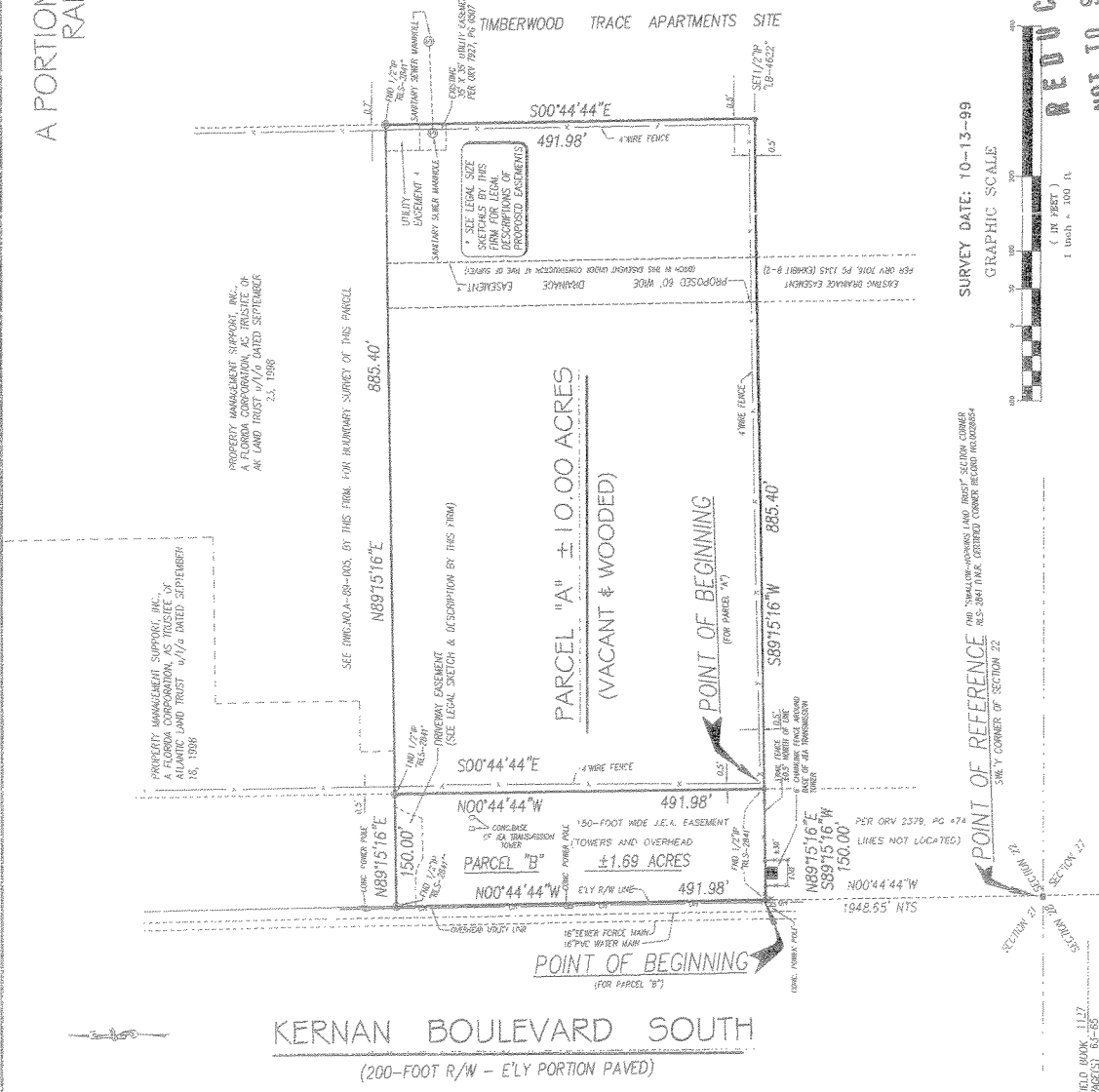
Oct 11 12 19 PM '73

STATE OF FLORIDA
DUVAL COUNTY

Signature
CLERK OF COUNTY COURT

**A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH,
RANGE 28 EAST, JACKSONVILLE,
DUVAL COUNTY, FLORIDA**

FOR: GEORGE J. HORGES, JR., AGENT AND BELLER & ASSOCIATES, L.L.P.



LEGAL DESCRIPTION OF PARCEL A
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 SOUTHWEST CORNER OF SAID SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, BEING THE EAST-TO-WEST RIGHT-OF-WAY LINE OF KERNAN BOULEVARD SOUTH, (A 200-FOOT RIGHT-OF-WAY LINE), 150.00 FEET; THENCE NORTH 89°15'16" EAST, 150.00 FEET TO THE EASTERN LINE OF A 150-FOOT JACKSONVILLE ELECTRIC AUTHORITY POWERLINE EASEMENT AS DESCRIBED BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2379, PAGE 474 AND THE POINT OF BEGINNING;
FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE NORTH 00°44'44" WEST, ALONG LAST SAID EASTERLY RIGHT-OF-WAY LINE OF KERNAN BOULEVARD SOUTH, 491.98 FEET; THENCE SOUTH 00°44'44" EAST, 491.98 FEET; THENCE WEST 00°44'44" WEST, 885.40 FEET TO THE POINT OF BEGINNING.
THE LAND THIS DESCRIBED CONTAINS 10.89 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF PARCEL B
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 SOUTHWEST CORNER OF SAID SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, BEING THE EAST-TO-WEST RIGHT-OF-WAY LINE OF KERNAN BOULEVARD SOUTH, (A 200-FOOT RIGHT-OF-WAY LINE), 150.00 FEET; THENCE NORTH 89°15'16" EAST, 150.00 FEET TO THE EASTERN LINE OF A 150-FOOT JACKSONVILLE ELECTRIC AUTHORITY POWERLINE EASEMENT AS DESCRIBED BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2379, PAGE 474, 491.98 FEET; THENCE SOUTH 00°44'44" WEST, 491.98 FEET TO THE POINT OF BEGINNING;
FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE NORTH 00°44'44" WEST, ALONG LAST SAID RIGHT-OF-WAY LINE OF KERNAN BOULEVARD SOUTH, 491.98 FEET; THENCE SOUTH 00°44'44" EAST, 491.98 FEET; THENCE WEST 00°44'44" WEST, 885.40 FEET TO THE POINT OF BEGINNING.
THE LAND THIS DESCRIBED CONTAINS 1.69 ACRES, MORE OR LESS.

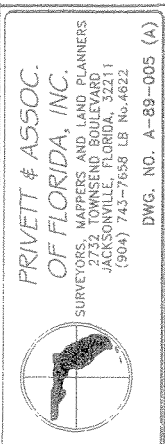
NOTES:
1) BEARINGS SHOWN HEREIN REFER TO S. BOSTWICK FOR THAT PORTION OF ATLANTIC BAY LUNG BETWEEN PT STA 290+0.15 & PC STA 324+77.15 ACCORDING TO DOT F/W MAPS FOR SECTION 72100-1176
2) THIS SURVEY DOES NOT PURPORT TO SHOW THE EXTENTS, IF ANY, OF GOVERNMENTAL JURISDICTIONAL AREAS.
3) THIS SURVEY DOES NOT SHOW ANY WATER LINE, SEWER LINE, OR OTHER UTILITY LINE, UNLESS SHOWN HEREIN. ANY UNLOCATED UTILITY LINES ARE SHOWN FROM JACKSONVILLE DEPT. OF PUBLIC WORKS WATER SERVICES DIVISION DATE: APR 88 (REV. JULY 1988)

REDCED NOT TO SCALE

GRAPHIC SCALE

SURVEY DATE: 10-13-99

1 inch = 100 ft.



**PRIVETT & ASSOC.
OF FLORIDA, INC.**
SURVEYORS, MAPPERS AND LAND PLANNERS
2732 TOWNSEND BOULEVARD
JACKSONVILLE, FLORIDA, 32211
(904) 743-7658 LB No. 4822
DWG. NO. A-89-005 (A)

CHECKED BY: J.L. JR.
DRAWN BY: J.L. JR.
REGISTERED SURVEYOR NO. 2218 GA.
REGISTERED SURVEYOR NO. 2000 FL.
REGISTERED SURVEYOR & MAPPER NO. 4774 FL.
REGISTERED SURVEYOR & MAPPER NO. 120077
REGISTERED SURVEYOR & MAPPER NO. 5918 FL.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS SHOWN TO BE IN A FLOOD HAZARD ZONE (XINSHACT) PER F.P.R. MAPS, COMM/PANEL NO. 120077, 10333E FOR DUVAL COUNTY, FLORIDA DATED: 8-15-89

LEGEND	PROPERTY
① - POINT OF BEGINNING	① - PROPERTY
② - POINT OF REFERENCE	② - RIGHT-OF-WAY
③ - MONUMENT	③ - FENCE
④ - MONUMENT FOUND CONCRETE MONUMENT (TYPE AS NOTED)	④ - MONUMENT FOUND CONCRETE MONUMENT
⑤ - MONUMENT FOUND CONCRETE MONUMENT (TYPE AS NOTED)	⑤ - MONUMENT FOUND CONCRETE MONUMENT
⑥ - MONUMENT FOUND CONCRETE MONUMENT	⑥ - MONUMENT FOUND CONCRETE MONUMENT
⑦ - MONUMENT FOUND CONCRETE MONUMENT	⑦ - MONUMENT FOUND CONCRETE MONUMENT
⑧ - MONUMENT FOUND CONCRETE MONUMENT	⑧ - MONUMENT FOUND CONCRETE MONUMENT
⑨ - MONUMENT FOUND CONCRETE MONUMENT	⑨ - MONUMENT FOUND CONCRETE MONUMENT
⑩ - MONUMENT FOUND CONCRETE MONUMENT	⑩ - MONUMENT FOUND CONCRETE MONUMENT
⑪ - MONUMENT FOUND CONCRETE MONUMENT	⑪ - MONUMENT FOUND CONCRETE MONUMENT
⑫ - MONUMENT FOUND CONCRETE MONUMENT	⑫ - MONUMENT FOUND CONCRETE MONUMENT
⑬ - MONUMENT FOUND CONCRETE MONUMENT	⑬ - MONUMENT FOUND CONCRETE MONUMENT
⑭ - MONUMENT FOUND CONCRETE MONUMENT	⑭ - MONUMENT FOUND CONCRETE MONUMENT
⑮ - MONUMENT FOUND CONCRETE MONUMENT	⑮ - MONUMENT FOUND CONCRETE MONUMENT
⑯ - MONUMENT FOUND CONCRETE MONUMENT	⑯ - MONUMENT FOUND CONCRETE MONUMENT
⑰ - MONUMENT FOUND CONCRETE MONUMENT	⑰ - MONUMENT FOUND CONCRETE MONUMENT
⑱ - MONUMENT FOUND CONCRETE MONUMENT	⑱ - MONUMENT FOUND CONCRETE MONUMENT
⑲ - MONUMENT FOUND CONCRETE MONUMENT	⑲ - MONUMENT FOUND CONCRETE MONUMENT
⑳ - MONUMENT FOUND CONCRETE MONUMENT	⑳ - MONUMENT FOUND CONCRETE MONUMENT
㉑ - MONUMENT FOUND CONCRETE MONUMENT	㉑ - MONUMENT FOUND CONCRETE MONUMENT
㉒ - MONUMENT FOUND CONCRETE MONUMENT	㉒ - MONUMENT FOUND CONCRETE MONUMENT
㉓ - MONUMENT FOUND CONCRETE MONUMENT	㉓ - MONUMENT FOUND CONCRETE MONUMENT
㉔ - MONUMENT FOUND CONCRETE MONUMENT	㉔ - MONUMENT FOUND CONCRETE MONUMENT
㉕ - MONUMENT FOUND CONCRETE MONUMENT	㉕ - MONUMENT FOUND CONCRETE MONUMENT
㉖ - MONUMENT FOUND CONCRETE MONUMENT	㉖ - MONUMENT FOUND CONCRETE MONUMENT
㉗ - MONUMENT FOUND CONCRETE MONUMENT	㉗ - MONUMENT FOUND CONCRETE MONUMENT
㉘ - MONUMENT FOUND CONCRETE MONUMENT	㉘ - MONUMENT FOUND CONCRETE MONUMENT
㉙ - MONUMENT FOUND CONCRETE MONUMENT	㉙ - MONUMENT FOUND CONCRETE MONUMENT
㉚ - MONUMENT FOUND CONCRETE MONUMENT	㉚ - MONUMENT FOUND CONCRETE MONUMENT
㉛ - MONUMENT FOUND CONCRETE MONUMENT	㉛ - MONUMENT FOUND CONCRETE MONUMENT
㉜ - MONUMENT FOUND CONCRETE MONUMENT	㉜ - MONUMENT FOUND CONCRETE MONUMENT
㉝ - MONUMENT FOUND CONCRETE MONUMENT	㉝ - MONUMENT FOUND CONCRETE MONUMENT
㉞ - MONUMENT FOUND CONCRETE MONUMENT	㉞ - MONUMENT FOUND CONCRETE MONUMENT
㉟ - MONUMENT FOUND CONCRETE MONUMENT	㉟ - MONUMENT FOUND CONCRETE MONUMENT
㊱ - MONUMENT FOUND CONCRETE MONUMENT	㊱ - MONUMENT FOUND CONCRETE MONUMENT
㊲ - MONUMENT FOUND CONCRETE MONUMENT	㊲ - MONUMENT FOUND CONCRETE MONUMENT
㊳ - MONUMENT FOUND CONCRETE MONUMENT	㊳ - MONUMENT FOUND CONCRETE MONUMENT
㊴ - MONUMENT FOUND CONCRETE MONUMENT	㊴ - MONUMENT FOUND CONCRETE MONUMENT
㊵ - MONUMENT FOUND CONCRETE MONUMENT	㊵ - MONUMENT FOUND CONCRETE MONUMENT
㊶ - MONUMENT FOUND CONCRETE MONUMENT	㊶ - MONUMENT FOUND CONCRETE MONUMENT
㊷ - MONUMENT FOUND CONCRETE MONUMENT	㊷ - MONUMENT FOUND CONCRETE MONUMENT
㊸ - MONUMENT FOUND CONCRETE MONUMENT	㊸ - MONUMENT FOUND CONCRETE MONUMENT
㊹ - MONUMENT FOUND CONCRETE MONUMENT	㊹ - MONUMENT FOUND CONCRETE MONUMENT
㊺ - MONUMENT FOUND CONCRETE MONUMENT	㊺ - MONUMENT FOUND CONCRETE MONUMENT
㊻ - MONUMENT FOUND CONCRETE MONUMENT	㊻ - MONUMENT FOUND CONCRETE MONUMENT
㊼ - MONUMENT FOUND CONCRETE MONUMENT	㊼ - MONUMENT FOUND CONCRETE MONUMENT
㊽ - MONUMENT FOUND CONCRETE MONUMENT	㊽ - MONUMENT FOUND CONCRETE MONUMENT
㊾ - MONUMENT FOUND CONCRETE MONUMENT	㊾ - MONUMENT FOUND CONCRETE MONUMENT
㊿ - MONUMENT FOUND CONCRETE MONUMENT	㊿ - MONUMENT FOUND CONCRETE MONUMENT