

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-27 TO

PLANNED UNIT DEVELOPMENT

FEBRUARY 5, 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 **2015-27** to Planned Unit Development.

Location: 4105 Emerson Street between Galilee Road and Bedford Road

Real Estate Numbers: 135824-0000, 1358245-0000, 135826-0000, 135827-0000

Current Zoning District: Planned Unit Development (PUD 2006-1200-E)
Commercial Office (CO)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast, District 3

Planning Commissioner: Dow Peters, III

City Council District: The Honorable Don Redman, District 4

Applicant/Agent: Greg Kupperman
Green & Kupperman, Inc.
200 First Street, Suite B
Neptune Beach, Florida 32266

Owner(s): Benjamin Patterson
JBT Investment, LLC
2384 Vans Avenue
Jacksonville, Florida 32207

Charlotte Larson
1015 520th Street
Rembrandt, Iowa 50576

Staff Recommendation:

APPROVE WITH CONDITIONS

GENERAL INFORMATION

Application for Planned Unit Development **2015-27** seeks to rezone approximately 1.3 acres of land from CO and CCG-1 to PUD. The rezoning to PUD is being sought so that the property can be developed with retail sales and service uses which are similar to the uses in the CCG-1 Zoning District. The existing PUD

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. 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. 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.

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.

CGC in the Urban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is preferred to provide support for commercial and other uses. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as an arterial or higher on the Functional Highway Classification Map.

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 and Filling stations.

Secondary Uses: Secondary uses shall be permitted pursuant to the Commercial land use introduction.

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.

(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 written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

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). This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

FLUE Policy 1.1.1 states that, "the City shall ensure that all new development and redevelopment after the effective date of the 2010 Comprehensive Plan is consistent with the Future Land Use Map series, and textual provisions of this and other elements of the 2010 Comprehensive Plan, as provided in Chapter 163 (Part II), F.S."

FLUE Policy 1.1.8 states that, “all new non-residential projects be developed in either nodal areas, in appropriate commercial infill locations, or as part of mixed or multi-use developments such as Planned Unit Developments (PUDs), cluster developments, Traditional Neighborhood Design (TND) developments, and Locally Designated Historic Preservation Districts, as described in this element.”

FLUE Policy 1.1.12 states that, “promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.”

FLUE Policy 3.2.2 states that “the City shall promote the infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.”

FLUE Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

(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. TCRC # 86356.0 / Mobility # 86356.1 / CDN # 7474.005 has been created for a 9,180 square feet Family Dollar store

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a commercial development. 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 existing and proposed landscaping: The written description indicates the site will be developed in accordance with the landscaping regulations of the Zoning Code. An

uncomplementary buffer, which contains a 6 foot high screen and one tree every 25 feet, will be required where the site is adjacent to a residential use or residentially zoned property.

The treatment of pedestrian ways: There is an existing sidewalk along Emerson Street. A pedestrian walk will connect the building to the sidewalk.

Traffic and pedestrian circulation patterns: The written description and site plan indicate that access will be from Emerson Street only; there will be no access from Galilee Road.

The use and variety of building setback lines, separations, and buffering: The written description is proposing setbacks which are similar to the CCG-1 Zoning District which reinforces the compatibility.

(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 there are various intensities of commercial uses fronting Emerson Street with residential dwellings located behind the commercial. The depth of commercial lots varies along the street. Commercial development at this location is appropriate.

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	LDR	RLD-60	Single family dwellings
	CGC	CO	Single family dwellings
South	CGC	PUD (09-627)	Undeveloped / proposed
East	CGC	CO	Undeveloped
	CGC	CCG-1	Vacant
West	CGC	CCG-1	Single family dwellings

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category as a commercial development. The PUD is appropriate at this location because it will support the existing offices and service establishments in the area.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space. No recreation area is required.

(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 January 26, 2015, 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 **2015-27** be **APPROVED with the following conditions:**

- 1. The subject property is legally described in the original legal description dated November 12, 2014.**
- 2. The subject property shall be developed in accordance with the original written description dated November 12, 2014.**
- 3. The subject property shall be developed in accordance with the original site plan dated November 17, 2014.**
- 4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated January 20, 2015 or as otherwise approved by the Planning and Development Department.**
- 5. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one-half (.5) foot candles (“f.c.”) when the building or parking areas are located adjacent to residential areas, and shall not exceed one (1.0) f.c. when abutting other non-residential properties. All lighting lamp sources within parking and pedestrian areas shall be metal halide, compact fluorescent or LED. The maximum light pole height in all parking areas should not exceed twenty feet (20’). An exterior lighting design plan, including a photometrics plan, pole and fixtures schedules shall be submitted at the time of Verification of Substantial Compliance for review and approval by the Planning and Development Department.**
- 6. Outside sales, service or display shall be within ten (10) feet of the building.**



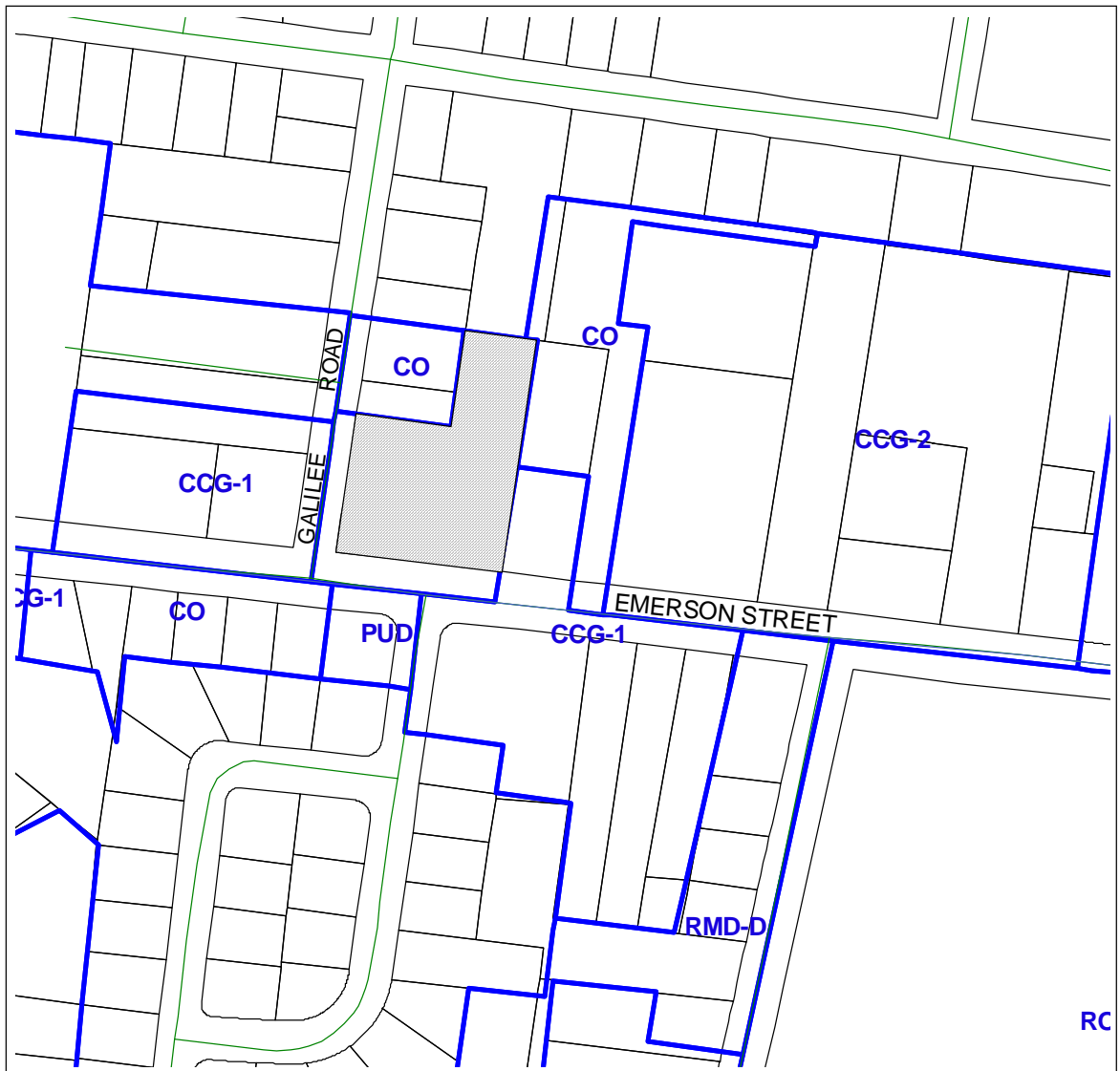
Aerial view of site.



View of site from Emerson Street



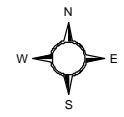
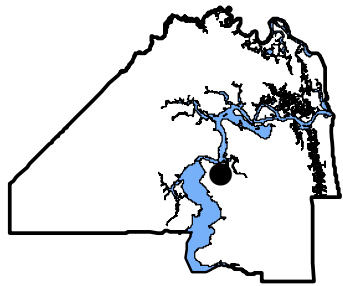
Adjacent residential dwelling which is zoned CO.



Request Sought:

FROM:
PUD & CO

TO:
PUD



50 0 50 100 Feet

Council District

4

Ordinance 2015-27

FILE COPY



January 20, 2015

MEMORANDUM

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

FROM: Lisa King
Traffic Technician Senior

Subject: **Family Dollar Emerson Street PUD
R-2015-27 fka R-2006-1200 Emerson Retail Center PUD**

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

1. Emerson St is a FDOT maintained roadway. Number, location and design of access are subject to FDOT review and permit process.
2. Parking lot shall me design requirements of Section 656.607 of the current Zoning Code (dimensions of parking spaces, backup/drive aisle and sidewalk widths).
3. Any proposed signs, fence, wall and landscaping shall be located so that they do not obstruct horizontal line of sight as outlined in FDOT Index 546 for site driveway as well as the intersection of Galilee Road & Emerson St.

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.

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2015-0027 **Staff Sign-Off/Date** AAG / 12/05/2014

Filing Date 01/06/2015 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 02/10/2015 **Planning Comission** 02/05/2015

Land Use & Zoning 02/18/2015 **2nd City Council** 02/24/2015

Neighborhood Association SPRINGPARK NEIGHBORHOOD ASSOCIATION, HUGUENOT PARK NEIGHBORHOOD ASSOCIATION

Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 742

Application Status PENDING

Date Started 11/18/2014

Date Submitted 11/18/2014

General Information On Applicant

Last Name	First Name	Middle Name
KUPPERMAN	GREG	S
Company Name		
GREEN & KUPPERMAN, INC.		
Mailing Address		
200 FIRST STREET, SUITE B		
City	State	Zip Code
NEPTUNE BEACH	FL	32266
Phone	Fax	Email
9042416611	9042412950	GKUPPERMAN@200FIRSTSTREET.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
PATTERSON	BENJAMIN	
Company/Trust Name		
JBT INVESTMENT, LLC		
Mailing Address		
2384 VANS AVENUE		
City	State	Zip Code
JACKSONVILLE	FL	32207
Phone	Fax	Email

Last Name	First Name	Middle Name
LARSEN	CHARLOTTE	
Company/Trust Name		
Mailing Address		

1015 520TH STREET		
City	State	Zip Code
REMBRANDT	IA	50576
Phone	Fax	Email

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 2006-1200

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 135824 0000	4	3	PUD	PUD
Map 135825 0000	4	3	PUD	PUD
Map 135826 0000	4	3	PUD	PUD
Map 135827 0000	4	3	CO	PUD

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

Existing Land Use Category

CGC

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 1.30

Development Number

Proposed PUD Name FAMILY DOLLAR EMERSON STREET PUD

Justification For Rezoning Application

TO ALLOW FOR A CREATIVE APPROACH TO THE DEVELOPMENT; PROVIDE A MORE DESIRABLE DEVELOPMENT ENVIRONMENT THAN WOULD BE POSSIBLE THROUGH THE STRICT CONVENTIONAL APPLICATION OF THE REQUIREMENTS OF THE ZONING CODE; FOR AN EFFICIENT USE OF LAND RESULTING IN LOWER DEVELOPMENT COSTS; PROVIDE AN ENVIRONMENT THAT WILL IMPROVE THE CHARACTERISTICS OF THE SURROUNDING AREA; ENHANCE THE APPEARANCE OF THE AREA THROUGH DEVELOPMENT CRITERIA; PROPOSE LAND USES AND INTENSITIES WHICH WILL MEET CERTAIN PLANNING

Location Of Property

General Location

NORTH EAST CORNER OF EMERSON STREET AND GALILEE ROAD

House #	Street Name, Type and Direction	Zip Code
4105	EMERSON ST	32207

Between Streets

EMERSON STREET and GALILEE RAOD

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
1.30 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee
38 Notifications @ \$7.00 /each: \$266.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,286.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT A

Property Ownership Affidavit

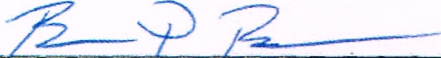
Date: 11-12-14

City of Jacksonville
City Council / Planning and Development Department
214 N. Hogan Street
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, JBT Investment Partners, LLC-Benjamin P. Patterson as Trustee 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 PUD Rezoning submitted to the Jacksonville Planning and Development Department.

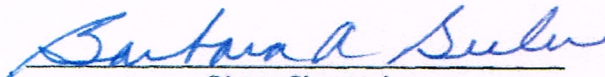


(Owner's Signature)

JBT Investment Partners, LLC-Benjamin P. Patterson as Trustee

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 12 day of Nov. (month), 2014 (year) by Benjamin P. Patterson who is personally known to me or has produced _____ as identification.



(Notary Signature)

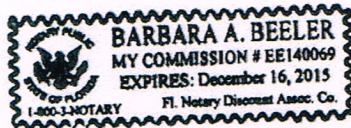


EXHIBIT A

Property Ownership Affidavit

Date: 11-12-2014

City of Jacksonville
City Council / Planning and Development Department
214 N. Hogan Street
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, Charlotte Larsen et al. 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 PUD Rezoning
submitted to the Jacksonville Planning and Development Department.

(X) Charlotte Larsen
(Owner's Signature)
Charlotte Larsen et al.

STATE OF ~~FLORIDA~~ Iowa
COUNTY OF ~~DIVAL~~ Buena Vista

The foregoing affidavit was sworn and subscribed before me this 12th day of November
(month), 2014 (year) by Charlotte Larsen who is personally
known to me or has produced Iowa Drivers License as identification.

Vicki Matthaidess
(Notary Signature)



EXHIBIT B

Agent Authorization

Date: 11-12-14

City of Jacksonville
Planning and Development Department
214 N. Hogan Street
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE#135824-0000/#135825-0000/#135826-0000

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

Greg S. Kupperman/Green & Kupperman, Inc. to act as agent to file application(s) for
PUD 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.

B P P

(Owner's Signature)

JBT Investment Partners, LLC-Benjamin P. Patterson as Trustee

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 12 day of
Nov (month), 2014 (year) by Benjamin P. Patterson,
who is personally known to me or has produced _____ as
identification.

Barbara A. Beeler
(Notary Signature)

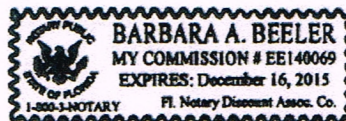


EXHIBIT B

Agent Authorization

Date: 11-12-14

City of Jacksonville
Planning and Development Department
214 N. Hogan Street
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE#135827-0000

Gentleman:

You are hereby advised that the undersigned is the owner of the property described in **Exhibit I** attached hereto. Said owner hereby authorizes and empowers

Greg S. Kupperman/Green & Kupperman, Inc. to act as agent to file application(s) for
PUD 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.

(X) Charlotte Larsen
(Owner's Signature)
Charlotte Larsen et al.

STATE OF ~~FLORIDA~~ Iowa
COUNTY OF ~~DUVAL~~ Buena Vista

The foregoing affidavit was sworn and subscribed before me this 12th day of
November (month), 2014 (year) by Charlotte Larsen
who is personally known to me or has produced Iowa Drivers License as
identification.

Vicki Matthaides
(Notary Signature)

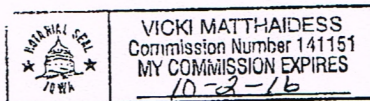


EXHIBIT C

Binding Letter

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

RE: RE#135824-0000/#135825-000/#135826-0000

Ladies and Gentleman;

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 thereof, 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 rezoning 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, which are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

By: BPB

Its: Trustee

EXHIBIT C

Binding Letter

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

RE: RE#135827-0000

Ladies and Gentleman;

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 thereof, 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 rezoning 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, which are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

By: Charlotte Larson

Its: Owner

EXHIBIT D

PUD Written Description

FAMILY DOLLAR EMERSON STREET PUD

November 12, 2014

I. PURPOSE AND INTENT

It is the purpose and intent of this PUD to provide flexibility in planning, design and development; to provide an environment compatible with surrounding land use; to encourage the preservation of the natural site features; thereby promoting the public health, safety, morals, order, comfort, convenience, appearance, prosperity, and the general welfare of the community. The PUD will create a unified development plan potentially incorporating shared access, utilities, stormwater treatment and other development criteria as may be necessary. The creation of a master planned development affords an efficient use of the land. This PUD will also provide the needed facilities for businesses and all the positive economic impacts to the community it creates.

The site consists of 1.3+/- acres of land located at the northeast corner of Emerson Street and Galilee Road.

Project Agent/Planner: Greg Kupperman
Green & Kupperman, Inc.
200 First Street, Suite B
Neptune Beach, FL 32266

Project Engineer: Scott Johnson
S. Johnson Consultants, Inc.
8515 Baymeadows Way
Jacksonville, FL 32256

Project Developer: Eric Leineweber
Blue Current Development, LLC.
222 West Coleman Blvd
Mount Pleasant, SC 29464

Current Land Use Category: CGC (Community General Commercial)

Current Zoning District: PUD (Planned Unit Development) and CO
(Commercial Office) Ordinance number 2006-1200-E.

Requested Land Use Category: N/A

Requested Zoning District: PUD (Planned Unit Development)

Real Estate Numbers(s): 135824-0000/135825-0000/135826-0000/135827-0000

Total Acreage:	1.3+/- acres
Total number of dwelling units by each type:	Not Applicable
Total amount of non-residential floor area:	9,200+/- sq. ft.
Total amount of recreation/ or open space:	Not Applicable
Total amount of public/private rights of way:	Not Applicable
Maximum coverage of all buildings and structures:	29,002+/- sq. ft.
Phase schedule of construction.	One phase

How does the proposed PUD differ from the usual application of the Zoning Code? This PUD district will differ from conventional zoning districts by excluding the less desirable uses found in the conventional districts. This PUD district will be specifically limited to the commercial uses provided herein. Excluding the less desirable uses will make this PUD district more compatible with existing and proposed surrounding uses.

The reason for this PUD is to include an additional parcel of land that was not part of the original PUD and is currently zoned CO. This PUD will provide a unified development plan.

The PUD district also provides a site plan and is specific as to other design criteria unique to the subject property.

The property owners will maintain the parking areas, landscaping areas and the interior and exterior of the buildings. The continued operation of these facilities will be provided by the owners.

II. USES AND RESTRICTIONS

A. Permitted Uses:

1. Retail outlets for the sale of food and drugs (including drive-thru), wearing apparel, toys, sundries and notions, books and stationary, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal boarding kennels), musical instruments, florist shops, delicatessens, bakeries, home furnishings and appliances (including repair incidental to sales), office equipment or furniture, antiques, hardware, new automobile parts (including rebuilt parts but not installation, repair or rebuilding of parts), and accessories and similar uses.
2. Service establishments such as barber and beauty shops, shoe repair shops, restaurants (including drive-thru, drive-in, and the outside sale and service of food meeting the performance standards and development criteria as set forth in Part 4), interior decorators, reducing salons or gymnasiums, self-service laundries, dry cleaners, tailors or dressmakers, laundries or dry cleaning pickup stations, dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids and with no odor, fumes, or steam detectable to the normal senses from off the premises, radio and television broadcasting offices and studios, communication towers and antennas, funeral homes, marinas, blueprinting, job printing (but not newspaper), radio and television repair shops, travel agencies, employment offices, home equipment rental, and similar uses.
3. Banks (including drive-thru tellers), loan companies, mortgage brokers, stockbrokers, and similar financial institutions.
4. All types of professional and business offices, newspaper offices (but not printing), employment offices, union halls, building trades contractors (not requiring outside storage or the use of a vehicle in excess of one-ton capacity or equipment, machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment), and similar uses.
5. Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, theaters (including motion picture theaters but not open air theaters), dance halls, and similar uses.
6. Art galleries, museums, community centers, dance, art or music studios, vocational, trade, or business schools, or similar uses.
7. Daycare centers or care centers meeting the performance standards and development criteria of the CCG-1 zoning district as set forth in Part 4.

8. Off-street commercial parking lots meeting the performance standards and development criteria of the CCG-1 zoning district as set forth in Part 4.
9. Retail plant nurseries (including outside display but not landscape contractors requiring heavy equipment or vehicles in excess of one-ton capacity).
10. An establishment or facility which includes the retail sale and service of beer and wine for off-premises consumption or for on-premises consumption in conjunction with the service of food which is ordered from a menu and prepared or served for pay for consumption on-premises.
11. Express or parcel delivery offices, telephone exchanges, motorbus or other transportation terminals (but not freight or truck terminals) and similar uses.
12. Veterinarians subject to the performance standards and development criteria for the CCG-1 zoning district as set forth in Part 4.
13. Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture, and similar uses.
14. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria as set forth in Part 4.
15. Outside retail sales of holiday items, subject to the performance standards and development criteria as set forth in Part 4.
16. Wholesaling or distributorship businesses, provided such use is limited to thirty percent of the total gross square footage of the building of which the wholesaling use or activity is a part, and further provided there is no warehousing or storage of products not directly associated with the wholesaling or distributorship businesses located on the premises.
17. Service or filling stations meeting the performance standards and development criteria as set forth in Part 4, service garages for minor repairs (including tire stores), and automated car washers (but not manual car washers) in conjunction with a service or filling station.
18. Outside sales, service, and display.

19. Permissible uses by right or by exception in the CCG-1 zoning district not otherwise listed above shall be allowed with the grant of a zoning exception by the Planning Commission.

B. Accessory Structures

1. Accessory uses and structures are allowed as defined in Section 656.403 of the Zoning Code.

C. Restrictions on Uses:

1. Dumpsters, propane tanks and similar appurtenances must be screened from any roadways by landscaping or opaque fencing which is aesthetically compatible with other structures located, or to be located, on the Property.

2. The following uses are prohibited: bottle clubs, pool halls, tattoo parlors, palmists and clairvoyants, astrologists, massage parlors, lingerie modeling, adult book or video stores, adult theaters, funeral parlors, flea markets, auction houses, bingo parlors, day labor pools, junkyards, residential treatment facilities, and rescue missions.

3. Any request to deviate from these restrictions shall be evaluated through the PUD minor modification process with a revised Site Plan to evaluate the internal and external compatibility of such proposed uses or as a permissible use by exception with a grant of approval by the Planning Commission.

III. DESIGN GUIDELINES

A. Lot requirements:

1. *Minimum lot area:* none, except as otherwise required for certain uses
2. *Minimum lot width:* none, except as otherwise required for certain uses
3. *Maximum lot coverage:* none, except as otherwise required for certain uses
4. *Minimum front yard:* none
5. *Minimum side yard:* none
6. *Minimum rear yard:* 5 feet
7. *Maximum height of structure:* 35 feet; two (2) stories

8. *Additional:* Storm water retention/detention, signs, or similar uses may be allowed in the minimum yards subject to the review and approval of the Planning and Development Department. In the event that the Property is partitioned or that individual units are sold (as office or retail condos, for example), the individual lots will be exempt from the minimum yard requirements except along the periphery of the PUD site.

B. Ingress, Egress and Circulation:

1. *Parking Requirements:*

a. The parking requirements for this development shall be consistent with the requirements of Part 6 of the Zoning Code.

b. In the event of partitioning, shared parking may be utilized between parcels to achieve parking requirements provided that the required number of spaces shall be met on the overall site within the PUD.

2. Vehicular Access:

a. Vehicular access to the Property shall be by way of Emerson Street, substantially as shown in the Site Plan and there will be no vehicular access from Galilee Road. The location of access points and driveway connections may vary and the final location shall be subject to the review and approval of the City's Traffic Engineer.

3. Pedestrian Access:

a. Sidewalks installed in accordance with the 2030 Comprehensive Plan shall provide pedestrian access.

C. Signs:

1. One (1) double-faced, monument sign two hundred (200) square feet in area and twenty-five (25) feet in height is permitted along Emerson Street. The monument sign may be externally or internally illuminated and multiple establishments within the PUD may be identified on the monument sign.

2. Wall signs are also permitted and shall not exceed ten percent of the square footage of the occupancy frontage or respective side of the building abutting a public right-of-way or internal parking lot. One under the canopy sign per occupancy not exceeding a maximum of eight (8) square feet in area is permitted; provided, however, any square footage utilized for an under the canopy sign shall be subtracted from the allowable square footage that can be utilized for wall signs.

3. Because the signs discussed are architectural elements of this PUD, intended to be compatible with and complementary of the buildings in the PUD, the area of such signs shall be computed on the basis of the smallest regular geometric shape encompassing the outermost individual letter, words, and/or numbers on the sign and shall not include the frame or surrounding mount.

4. Directional signs subject to the review and approval of the Planning and Development Department.

D. Landscaping:

1. The Property shall be developed in accordance with Part 12 Landscape Regulations of the Zoning Code; provided, however, that the required perimeter landscaping may be relocated elsewhere within the Property when ownership or occupancy of the Property is subdivided into separate parcels and reciprocal easements for access, ownership and maintenance are created among the separate parcels of the Property.

E. Recreation and Open Space:

1. Open spaces consisting of landscaping and retention will be provided as per the goals and objectives of the Comprehensive Plan or as otherwise approved by the Planning and Development Department.

F. Utilities:

1. Water, electric and sanitary sewer will be provided by Jacksonville Electric Authority (JEA).

G. Wetlands:

1. A drainage ditch within the site that drains to Emerson Street is considered a wetland. The ditch will be filled and piping installed to carry the runoff through the site. Appropriate permits will be obtained from the St. Johns River Water Management District and Army Corps of Engineers to impact this small, low-quality wetland area.

IV. DEVELOPMENT PLAN APPROVAL

With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all existing and proposed uses within the Property, and showing the general layout of the overall Property.

The PUD rezoning site plan is a conceptual PUD rezoning site plan for the purpose of rezoning to the PUD Zoning District. Final design is subject to change through final site planning, engineering, architectural design and market demands. All development improvements are subject to the criteria and approval of the appropriate permitting agencies.

V. JUSTIFICATION FOR PUD CLASSIFICATION FOR THIS PROJECT

The justification for the PUD zoning district which provides for a written description of the intended plan of development and site plan is as follows:

- To allow for a creative approach to the development;
- Provide a more desirable development environment than would be possible through the strict conventional application of the requirements of the Zoning Code;
- For an efficient use of land resulting in lower development costs;
- Provide an environment that will improve the characteristics of the surrounding area;
- Enhance the appearance of the area through development criteria;
- Propose land uses and intensities which will meet certain planning goals and create a balance for the community; and
- This plan and design will create a sustainable development plan.

VI. PUD REVIEW CRITERIA

A. Consistency with Comprehensive Plan. According to the Future Land Use Map series (FLUMs) of the 2010 Comprehensive Plan, the designated land use category is Commercial General Community (CGC), which allows for the above listed uses. If the PUD is approved, the site will be consistent with the CGC land use category and the Comprehensive Plan.

B. Consistency with the Concurrency/Mobility Management System. The Property will be developed in accordance with the rules of the City of Jacksonville Concurrency/Mobility Management System Office.

C. Allocation of Residential Land Use. There is no residential component to this PUD.

D. Internal Compatibility/Vehicular Access. The proposed PUD contains limitations on the commercial uses permitted on the subject property as well as a common development scheme which contains provisions for signage, landscaping, sidewalks, and other issues relating to common areas and vehicular and pedestrian traffic. In the event of partitioning, cross-access easements will be provided between properties. The site will have access from Emerson Street, and there will

be no vehicular access from Galilee Road. The location of access points and driveway connections may vary and the final location shall be subject to the review and approval of the City of Jacksonville Traffic Engineer.

E. External Compatibility/Intensity of Development. The Property is located in an established commercial area along Emerson Street to the east of Interstate 95. The development will serve nearby existing and future residential communities. The adjacent properties are all zoned commercial. This project allows commercial uses similar to uses allowed along Emerson Street. There is no residential component to this PUD.

F. Recreation/Open Space. Open spaces consisting of landscaping and retention will be provided meeting goals and objectives of the Comprehensive Plan or as otherwise approved by the Planning and Development Department.

G. Impact on Wetlands. A drainage ditch within the site that drains to Emerson Street is considered a wetland. The ditch will be filled and piping installed to carry the runoff through the site. Appropriate permits will be obtained from the St. Johns River Water Management District and Army Corps of Engineers to impact this small, low-quality wetland area.

H. Listed Species Regulations. The site contains less than 50 acres and therefore a listed species survey is not required.

I. Off-Street Parking and Loading Requirements. The site will comply with Part 6 Off-Street Parking and Loading Regulations of the Zoning Code. In the event of partitioning, shared parking may be utilized between parcels to achieve parking requirements provided that the required number of spaces shall be met on the overall site within the PUD.

J. Sidewalks, Trails, and Bikeways. Sidewalks will be constructed as per the goals and objectives of the Comprehensive Plan.

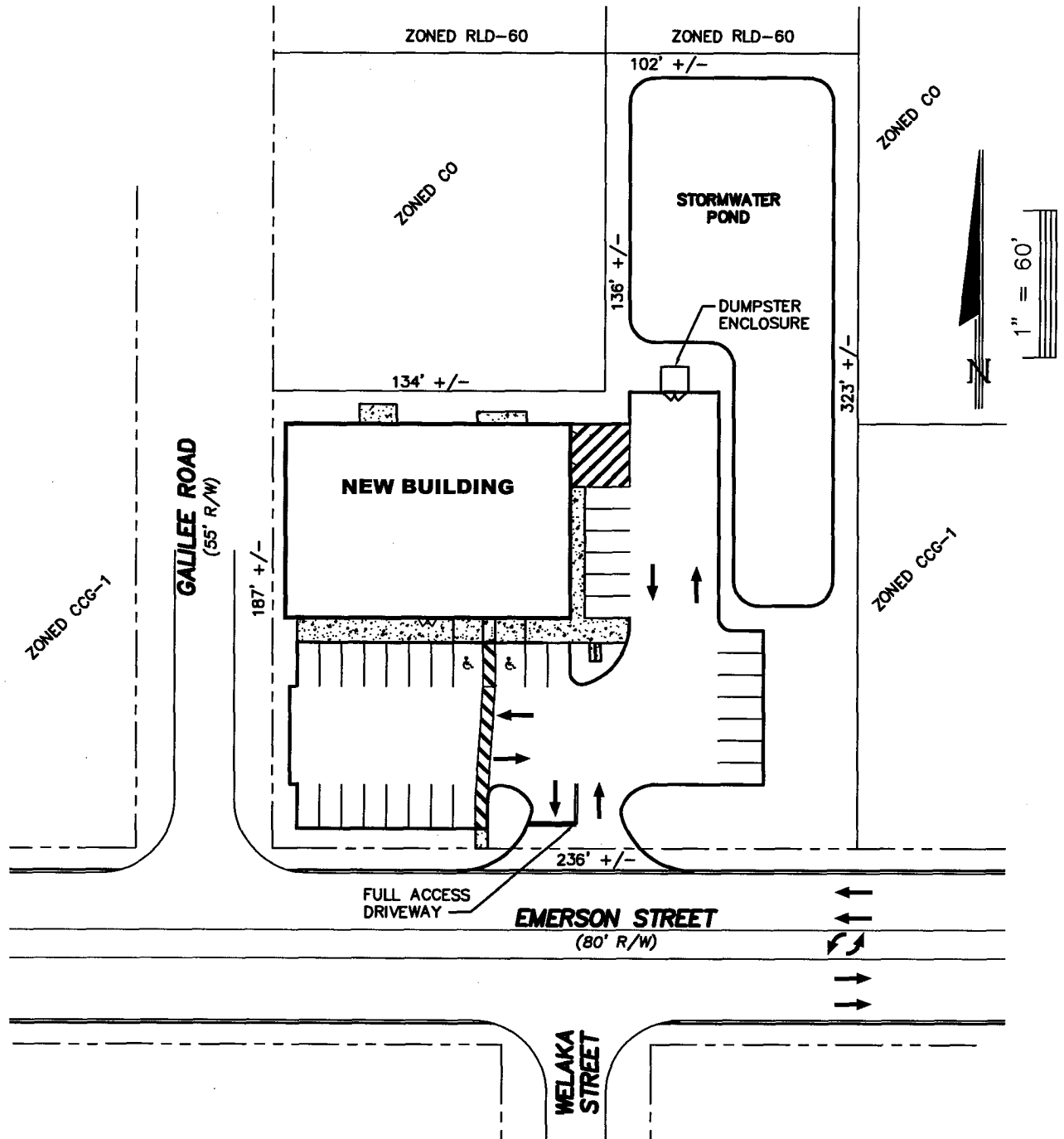
K. Stormwater Retention. Retention shall meet the requirements of the City of Jacksonville and all other state or local agencies with jurisdiction including the St. Johns River Water Management District and the Florida Department of Transportation.

L. Utilities. The Jacksonville Electric Authority (JEA) will provide potable water service and sewer service.

Exhibit E

THE PUD REZONING SITE PLAN IS A CONCEPTUAL PUD REZONING SITE PLAN FOR THE PURPOSE OF REZONING TO THE PUD ZONING DISTRICT. FINAL DESIGN IS SUBJECT TO CHANGE THROUGH FINAL SITE PLANNING, ENGINEERING, ARCHITECTURAL DESIGN AND MARKET DEMANDS. ALL DEVELOPMENT IMPROVEMENTS ARE SUBJECT TO THE CRITERIA AND APPROVAL OF PERMITTING AGENCIES.

DEVELOPER	
COMPANY:	BLUE CURRENT DEVELOPMENT
NAME:	ERIC LEENEWEBER
PHONE:	834-906-5917



S. JOHNSON CONSULTANTS, INC.

8515 BAYMEADOWS WAY, STE 401 JAX., FL. 32256
 (904) 721-1888, 721-8464 FAX EB-0007681
 SCOTT JOHNSON, PE - FL LIC. NO. 37534

PRELIMINARY PUD REZONING SITE PLAN

FOR
NEW DEVELOPMENT - EMERSON ST.

JACKSONVILLE FLORIDA

PROJECT NO. 13-015

NOVEMBER 17, 2014

Exhibit 3

Page 1 of 1

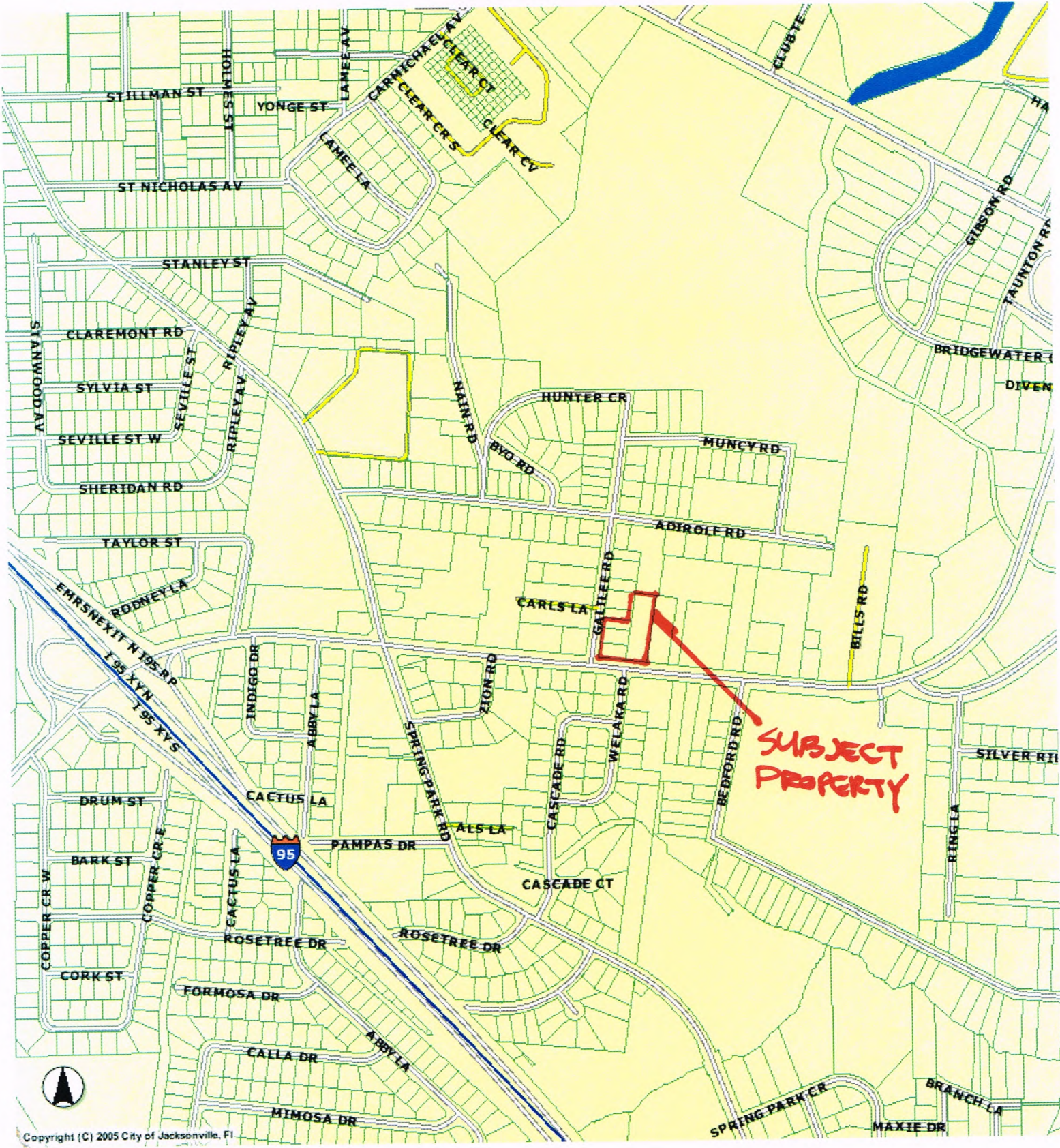
EXHIBIT F

PUD Name

FAMILY DOLLAR EMERSON STREET PUD

Land Use Table

Total gross acreage	1.3	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	1.3	Acres	100 %
Industrial	0	Acres	0 %
Other land use	0	Acres	0 %
Active recreation and/or open space	0	Acres	0 %
Passive open space	0	Acres	0 %
Public and private right-of-way	0	Acres	0 %
Maximum coverage of buildings and structures	29,002	Sq. Ft.	50 %



**EXHIBIT K
SITE LOCATION MAP**

Prepared by and Return to:
Chloe Gibbs, an employee of
First American Title Insurance Company
1535 Highland Avenue S
Clearwater, Florida 33756
(877)727-5923
File No.: 1038-3142988

SPECIAL WARRANTY DEED

State of Florida

County of Duval

THIS SPECIAL WARRANTY DEED is made on April 11, 2014, between

Garnet Emerson Street Real Estate, LLC, a Florida limited liability company

having a business address at: 4675 MacArthur Ct 15th Flr, Newport Beach, CA 92660
("Grantor"). and

JBT Investment Partners, LLC, a Florida limited liability company

having a mailing address of: 2384 Vans Ave, Jacksonville, FL 32207
("Grantee"),

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, remised, released, conveyed and confirmed unto said "Grantee", it's successors and assigns forever, following described land, situate, lying and being in the County of **Duval**, State of **Florida**, to-wit:

NORTH 1/2 OF LOT 6 AND ALL OF LOT 7, HUNTERDALE REPLAT OF HAGAN SUBDIVISION, ACCORDING TO PLAT RECORDED IN DEED BOOK 1059, PAGES 40 AND 41, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA;

LOT 5 AND THE SOUTH 1/2 OF LOT 6, HUNTERDALE REPLAT OF HAGAN SUBDIVISION, ACCORDING TO PLAT RECORDED IN DEED BOOK 1059, PAGES 40 AND 41, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA;

LESS AND EXCEPT THE PROPERTY DESCRIBED IN THE JUDGMENT IN CONDEMNATION RECORDED IN OFFICIAL RECORDS BOOK 2847, PAGE 511, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA;

LOTS 3 AND 4, HUNTERDALE REPLAT OF HAGAN SUBDIVISION, ACCORDING TO PLAT RECORDED IN DEED BOOK 1059, PAGES 40 AND 41, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA;

LESS AND EXCEPT THE PROPERTY IN THE JUDGMENT IN CONDEMNATION RECORDED IN OFFICIAL RECORDS BOOK 2847, PAGE 511, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Tax Parcel Identification Number: **135824-0000, 135825-0000, AND 135826-0000**

SUBJECT, however, to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions or requirements imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that said land is free of all encumbrances except taxes accruing subsequent to **2013**. That it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name, the day and year first above written.

Garnet Emerson Street Real Estate, LLC, a Florida limited liability company

By: Sabal Financial Group, L.P., a Delaware limited partnership, in its capacity as Manager

[Signature]
By: Kevin R. McKenzie
Its Authorized Signatory

Signed, sealed and delivered in our presence:

[Signature]
Witness Signature
Print Name: Robin Cheng

[Signature]
Witness Signature
Print Name: Paelyn Lanning

State of _____
County of _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on **April**, 2014, by _____, as Its Authorized Signer, on behalf of Sabal Financial Group, L.P, a Delaware limited partnership, in its capacity as Manager, on behalf of Garnet Emerson Street Real Estate, LLC, a Florida limited liability company, existing under the laws of the State of Florida, who is/are personally known to me or who has/have produced a valid driver's license as identification.

Notary Public

(Printed Name)

My Commission expires: _____

See attached

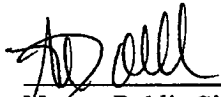
{Notarial Seal}

State of California)
County of Orange)

On April 9, 2014, before me, A. O'Donnell, Notary Public, personally appeared Kevin R. McKenzie, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

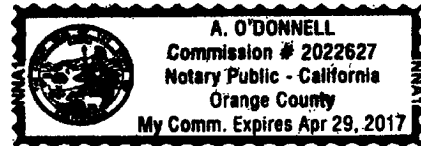
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature

(SEAL)



**UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF DIRECTORS OF
THE GENERAL PARTNER OF
SABAL FINANCIAL GROUP, L.P.**

Effective as of December 28, 2012

The undersigned, being all of the members of the Board of Directors of the General Partner of Sabal Financial Group, L.P., a Delaware limited partnership (the "Partnership"), pursuant to the Delaware Revised Uniform Limited Partnership Act and the Partnership's Second Amended and Restated Agreement of Limited Partnership (the "Partnership Agreement"), do hereby adopt by unanimous written consent the following recitals and resolutions:

Appointment and Ratification of Officers

WHEREAS, effective as of December 28, 2012, the Partnership amended and restated its Partnership Agreement;

WHEREAS, the Partnership desires to ratify the appointment of its current officers for the avoidance of doubt regarding the authority of such officers after the effectiveness of the amended Partnership Agreement; and

WHEREAS, pursuant to a unanimous written consent dated as of June 11, 2012, the Partnership approved and ratified officer positions of the Partnership, established the duties, powers and authority of such officers, and appointed officers of the Partnership consistent with this written consent.

NOW, THEREFORE, BE IT RESOLVED, that the following persons be, and hereby are appointed to the offices of the Partnership set forth opposite their respective names, to serve at the pleasure of the General Partner's Board of Directors (or the President and Chief Executive Officer of the Partnership if the removal of such officer and termination of his or her employment does not require the approval of the Board of Directors pursuant to the Partnership Agreement or the Amended and Restated Limited Liability Company Agreement of the General Partner) and until their respective death, resignation or removal or until their respective successors are duly elected and qualified:

<u>Name</u>	<u>Office</u>
R. Patterson Jackson	President and Chief Executive Officer
Mark E. Foster	Secretary, General Counsel and Vice President
Ronald Warwick	Chief Financial Officer, Treasurer and Vice President
Angie Smith	Assistant Secretary and Assistant Treasurer

Authority as Manager

WHEREAS, the Partnership is the servicer to various loan and real property portfolios, and may hereinafter become the servicer to additional such portfolios in the future;

WHEREAS, in connection with its duties and responsibilities as the servicer to such portfolios, the Partnership may serve as the manager of limited liability companies which are subsidiaries of the portfolios and the direct owners of real property (each a "Portfolio Subsidiary"); and

WHEREAS, the General Partner has deemed it in the best interest of the Partnership to authorize each of R. Patterson Jackson, Kevin R. McKenzie, Mark E. Foster, and Maureen Connaughton to execute and deliver documents on behalf of the Partnership in its capacity as manager of a Portfolio Subsidiary.

NOW, THEREFORE, BE IT RESOLVED, the each of R. Patterson Jackson, Kevin R. McKenzie, Mark E. Foster, and Maureen Connaughton, each acting alone, be and hereby are authorized to execute, deliver, and/or cause to be recorded on behalf of each Portfolio Subsidiary, any and all documents, instruments, and/or agreements that may be necessary and/or advisable in connection with the Partnership's rights and obligations as the manager of any Portfolio Subsidiary, including without limitation those related to (i) the acquisition of any property, (ii) any financing and/or refinancing of any property, and/or (iii) any sale, transfer or other disposition of any property.

General Authority

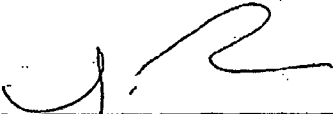
RESOLVED FURTHER, that the officers of the Partnership be, and each hereby is, authorized, empowered and directed to do and perform all such further acts, and to enter into and execute for and on behalf of the Partnership all such documents and instruments, as may be necessary and appropriate to effectuate and carry out the purposes and intent of the foregoing resolutions.

RESOLVED FURTHER, that any action not inconsistent with the foregoing resolutions as may have been taken or caused to be taken by any officer of the Partnership prior to the date of this Written Consent, which action was in connection with the matters that are the subject of the foregoing resolutions, be, and hereby is, ratified, confirmed and approved as the act and deed of the Partnership.

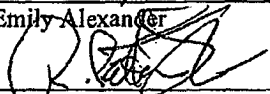
The General Partner directs that this Written Consent be filed with the minutes of the proceedings of the General Partner of the Partnership.

[Signatures follow.]

IN WITNESS WHEREOF, the undersigned have signed this Written Consent effective as of the date first written above.



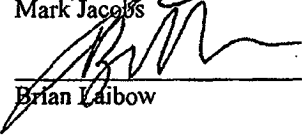
Emily Alexander



R. Patterson Jackson



Mark Jacobs



Brian Laibow

VOL. 4875 PG 960
OFFICIAL RECORDS

DEED OF SURRENDER

THIS INDENTURE, made this 28th day of March, 1979, by and between CHARLOTTE LARSEN, as personal representative of the estate of CARL NELSON, a/k/a CHARLES NELSON, deceased, hereinafter the "Grantor", and CHARLOTTE LARSEN and JUDITH CAMPBELL, hereinafter "Grantees", whose address is Rural Route, Rembrandt, Iowa 50576.

~~WITNESSETH: That,~~

WHEREAS, the estate of CARL NELSON, deceased, is being administered in the Circuit Court in and for Duval County, Florida, Case Number 78-1530-CP, and part of the assets of that estate is the real property hereinafter described which passed to the Grantees under the decedent's last will and testament.

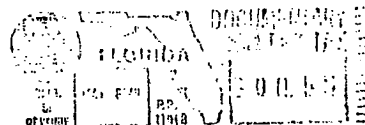
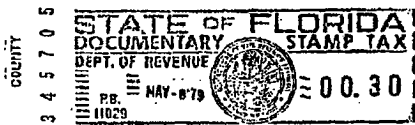
NOW, THEREFORE, in consideration of the premises, the Grantor, as personal representative of the estate of CARL NELSON, deceased, by these presents does release, surrender the possession of, and deliver to the Grantees, their heirs and assigns forever, that certain lot, piece and parcel of land, situate, lying and being in the County of Duval and State of Florida, described as follows:

Lot 8, Hunterdale replat, according to plat recorded in O. R. Book 3125, page 682, of the current public records of Duval County, Florida.

Subject to the rights of JULIA NELSON, whose address is 3423 Galilee Road, Jacksonville, Florida, to the possession and occupancy in and to the above described land for her natural life.

TOGETHER WITH the appurtenances pertaining thereto and also all of the estate which CARL NELSON had at the time of his death in the premises and also all of the estate therein which the Grantor has or has power to convey or dispose of by virtue of said laws of Florida or otherwise.

TO HAVE AND TO HOLD the premises hereinbefore described unto the Grantees, their heirs, successors and assigns forever.



700

IN WITNESS WHEREOF, the Grantor has set her hand and seal at Storm Lake, Iowa, the day and year above written.

Signed, sealed and delivered in the presence of:

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Leahen K. Carlson
Marlene West

Charlotte Larsen
CHARLOTTE LARSEN, AS Personal Representative of the Estate of CARL NELSON, deceased.

STATE OF IOWA

COUNTY OF BUENA VISTA

Before me, a notary public in and for the State of Iowa at Large, personally appeared CHARLOTTE LARSEN, as personal representative of the estate of CARL NELSON, deceased, known to me to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same for the uses and purposes in the instrument set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 28th day of March, 1979.

Paul D. Havens
Notary Public, State of Iowa
at Large

My commission expires: April 30, 1981

Is Instrument Was Prepared By
FISHER & SHEEHAN
CLAY B. TOUSEY, JR.
2600 Independent Square
Jacksonville, Florida 32202

79-35969
MAY 8 1 07 PM '79

RECORDED
INDEXED