

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR SIGN WAIVER SW-15-008**

**DECEMBER 1, 2015**

***Location:*** 6906 Beach Boulevard  
Between Dean Road and West Road

***Real Estate Number:*** 134828-0000

***Waiver Sought:*** Reduce minimum sign setback  
from ten feet to two feet

***Current Zoning:*** Commercial Community General-2 (CCG-2)

***Current Land Use Category:*** General Commercial Community (CGC)

***Planning District:*** Southeast, District 3

***Planning Commissioner:*** Daniel Blanchard

***City Council Representative:*** The Honorable Scott Wilson, District 4

***Owner:*** Barbara Langston  
6906 Beach Boulevard  
Jacksonville, Florida 32216

***Agent:*** Howard Ruehl  
3633 St. Augustine Road  
Jacksonville, Florida 32207

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Sign Waiver Ordinance 2015-0726 (SW-15-008) seeks to allow for a reduction of the minimum setback requirement from ten feet to two feet for a proposed site identification sign for an furniture, antiques and collectables retail outlet. A diagram of the proposed sign is included in the application. The site is within a CCG-2 Zoning District and the CGC functional land use classification as defined by the Future Land Use Map Series (FLUMs) contained within the Future Land Use Element (FLUE) as adopted by the 2030 Comprehensive Plan.

The site was platted as Lot 4, Block 3 of Ridgeland Gardens Subdivision approved July 26, 1926 with approximately 210 feet wide combined right-of-way width for Beach Boulevard, Florida East Coast Railway, and with Hogan Road serving as a parallel frontage road along the south side. A thirty feet wide landscape median separates Hogan Street from Beach Boulevard.

The site was developed in the current configuration in 1951 with a retail store having the parking area that extends into the Hogan Road designated portion of the public right-of-way. As a result, the building is approximately 8.4 feet from the Hogan Street right-of-way line. Therefore, a free standing site identification sign is constrained to be located within the 8.4 feet wide space in front of the building.

**NOTICE TO OWNER / AGENT**

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

**STANDARDS, CRITERIA AND FINDINGS**

Pursuant to Section 656.1310(a) and Section 656.133(c), Ordinance Code, an Application for Sign Waiver shall be evaluated in relation to the spirit and intent of the Zoning Code, considering the following criteria as applicable:

- 1. The effect of the sign waiver is compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area;*

Yes. The subject property is in a commercial zoning district.. Traffic will be approaching from the east or west via Beach Boulevard or the Hogan Road frontage. Due to the unusual road configuration the opportunity to drive past the business and require a U-turn is likely. The surrounding uses are on a mix of small and large commercial parcels having similar configurations.

- 2. The result will not detract from the specific intent of the Zoning Code by promoting the continued existence of nonconforming signs that exist in the vicinity;*

No. The intent of the zoning ordinance as it relates to this request is to not have signage that interferes with site distance visibility or utilities, and to promote signage that is consistent with the character of the adjoining community. In this instance most of

surrounding properties are similar in scale and use that will not result in the proliferation of excess non-conforming signage.

3. *The effect of the proposed waiver will not diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the same;*

No. The proposed sign location is set well back from the roadway and is located on a parcel that will limit placement of the sign location.

4. *The waiver will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity;*

No. The sign will be of modest size and located outside the clear line of sight triangles for roadway intersections and access ways and well back from utilities. The surrounding properties are developed for commercial uses that will not be negatively impacted by this request. The sign will alert drivers of the business location in order to more timely maneuver in traffic.

5. *The proposed waiver will not be detrimental to the public health, safety or welfare, and will not result in additional public expense, creation of nuisances, or cause conflict with any other applicable law;*

No. Staff has reviewed the request and the proposed sign type in relationship to the development of the site. Due to the layout of the site and character of the area, staff has determined that the requested reduction in distance from the right-of-way will not detract from the specific intent of the zoning ordinance as it relates to compatibility, or health, safety and welfare.

6. *The subject property exhibits specific physical limitations or characteristics, which are unique to the site, and would make imposition of the strict letter of the regulation unduly burdensome;*

Yes. The sign location is constrained by the 8.4 feet distance constraint between the building and right-of-way line. Any free standing sign would be impractical to locate on the site without this relief. The site is also set back from the main line of travel along Beach Boulevard by the Hogan Road frontage, landscape median separation and the parking lot. This request allows the sign to be installed for better visibility and site identification.

7. *The request is not based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message.*

No. The request is for a new sign that will not diminish the cost of fabrication or installation. It is based upon desire to best display the message and to place it on the site.

8. *If the request is the result of a violation that has existed for a considerable length of time without receiving a citation, whether the violation that exists a result of construction that occurred prior to the applicant's acquisition of the property, and not being a direct result of the actions of the current owner.*

No. The request is not a result of an existing violation. This is for a new sign on a newly developed site.

9. *The request accomplishes a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees...*

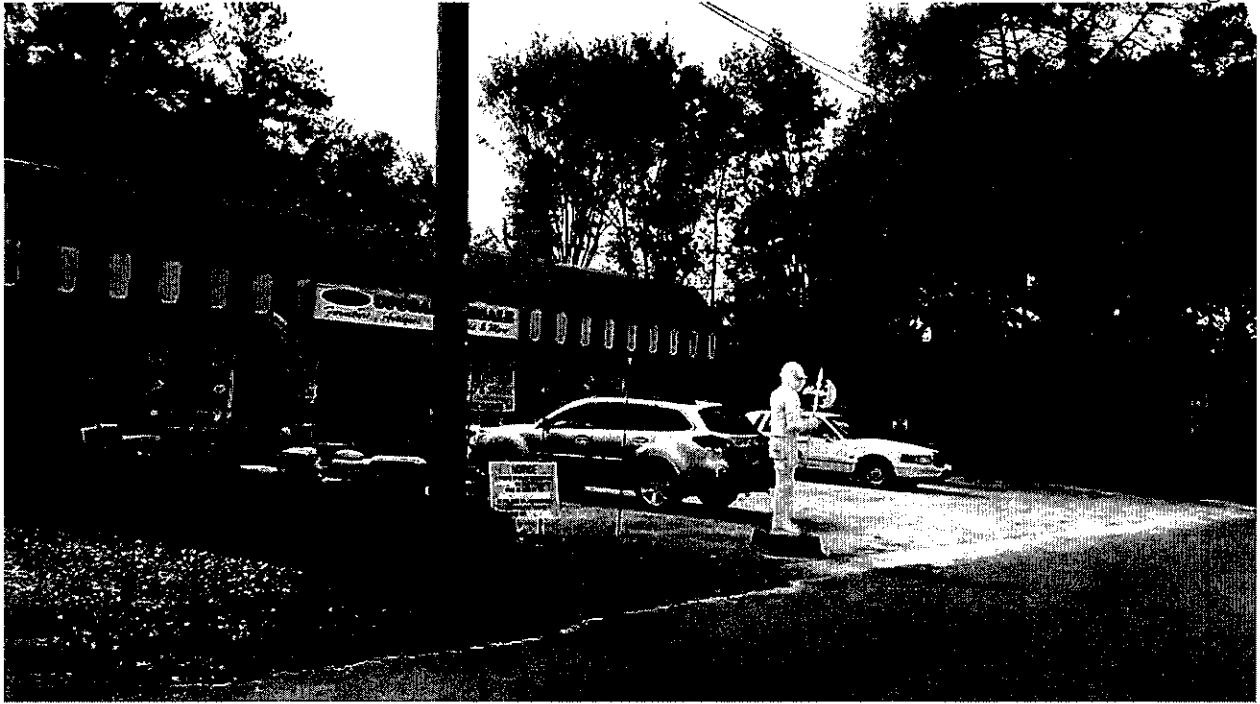
Yes. The location of the sign will avoid conflict with utilities and will better display information to passing traffic, resulting in enhanced traffic safety.

10. *Strict compliance with the regulation will create a substantial financial burden when considering the cost of compliance.*

Yes. Strict compliance with the regulation would preclude the installation of the sign.

#### **SUPPLEMENTARY INFORMATION**

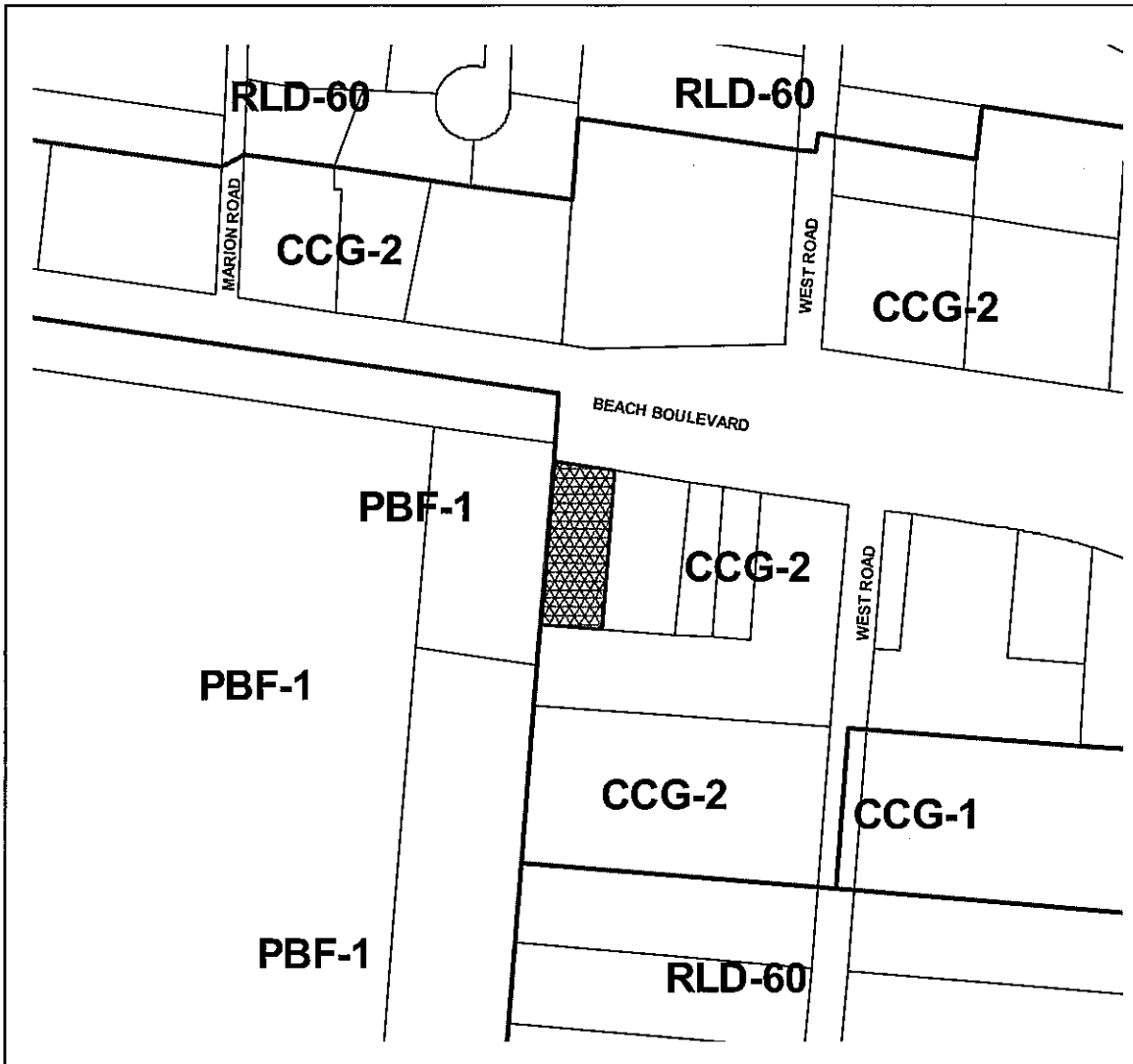
Upon visual inspection of the subject property on November 20, 2015 by the Planning and Development Department the required Notice of Public Hearing sign was posted.



**Figure 1. Subject property viewed looking southwest from Hogan Road right-of-way showing sign posted.**

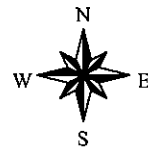
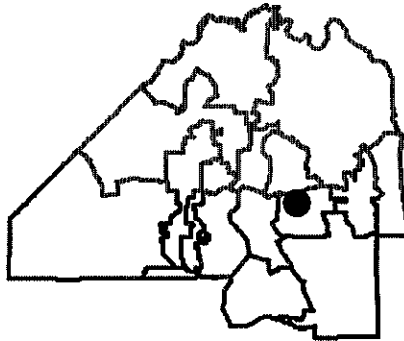
**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **SW-15-008** be **APPROVED**.



REQUEST SOUGHT:

REDUCE SET BACK  
FROM 10 FT. TO 2 FT.



0 100 Feet

COUNCIL DISTRICT:

4

APPLICATION NUMBER:

SW-2015-0008

Paul D.

# APPLICATION FOR SIGN WAIVER

Ordinance Number:	SW-15-08
Application Number:	2015-726
Notice of Violation:	

This application must be typed or printed in black and submitted in person with three (3) other copies for a total of four (4) copies.

Planning and Development Department, Zoning Section  
Ed Ball Building  
214 North Hogan Street, 2<sup>nd</sup> Floor  
Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 630-1902.

## TO BE COMPLETED BY PLANNING AND DEVELOPMENT DEPARTMENT ONLY

1. Date Submitted: <u>9-30-15</u>	2. Date Filed: <u>10/8/15</u>	3. Current Zoning District(s): <u>CCG-2</u>	4. Future Land Use Map Category (FLUMs): <u>CCG</u>	5. Applicable Section of Ordinance Code: <u>656.1303</u>
6. LUZ Public Hearing Date: <u>12/1/15</u>		7. City Council Public Hearing Date: <u>11/24/15</u>		
8. Neighborhood Association (if Applicable): _____				
9. Number of Signs To Be Posted: <u>1</u> <u>CO 4</u> <u>PD 3</u>				

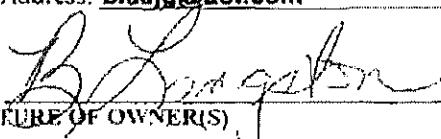
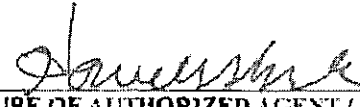
## TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>6906 Beach Blvd</u> <u>Jacksonville, FL 32216</u>	13. Between Streets: <u>W Road</u> and <u>Marion Road</u>
11. Real Estate Number: <u>134828-0000</u>	
12. Date lot was recorded: <u>11/5/1974</u>	
14. Application being sought	
<input type="checkbox"/> Increase maximum height of sign from _____ to _____ ft. (Not to Exceed 20% or 5 ft. in height whichever is less).	
<input type="checkbox"/> Increase maximum size of sign from _____ SF to _____ SF (Maximum request 25% or 10 Sq. Ft. whichever is less).	
<input type="checkbox"/> Increase number of signs from _____ to _____ (Not to exceed maximum square feet allowed).	
<input type="checkbox"/> Allow for illumination or change from _____ external to _____ internal lighting.	
<input checked="" type="checkbox"/> Reduce minimum set back from <u>10'-0"</u> ft. to <u>2'-0"</u> ft. (Less than 1 ft. may be granted administratively).	
Note: No waiver shall be granted allowing an increase in the size, height or number of directional signs. Additionally, no Waiver shall be granted for a sign in a Planned Unit Development (PUD) Zoning District.	

FILING FEES		NOTIFICATION COSTS: \$7.00 PER ADDRESSEE	
COMMERCIAL OR INDUSTRIAL DISTRICTS.....	\$500.00	ADVERTISING COSTS:	BILLED TO OWNER (AGENT / APPLICANT
*\$1,000.00 AFTER VIOLATIONS			
RESIDENTIAL OR MISC. ZONING DISTRICTS.....	\$250.00		
*\$500.00 AFTER VIOLATIONS			

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)	Name and address of Authorized Agent/ Applicant
Name: <u>Barbara Langston</u>	Name: <u>Howell Rughl</u>
Address: <u>6906 Beach Blvd</u>	Address: <u>3633 St Augustine Rd</u>
City, State, Zip: <u>Jacksonville, FL 32216</u>	City, State, Zip: <u>Jacksonville, FL 32207</u>
Daytime Telephone: <u>904-642-1003</u>	Daytime Telephone: <u>904-398-5305</u>
Fax Number: _____	Fax Number: _____
E-mail Address: <u>blaajg@aol.com</u>	E-mail Address: <u>howell@britelitesigns.com</u>
 SIGNATURE OF OWNER(S)	 SIGNATURE OF AUTHORIZED AGENT / APPLICANT

The Agent / Applicant letter of authorization must be attached if application is not signed by the owner of record.



15. In whose name will the waiver be granted? Barbara Langston

Is transferability being requested? Yes  No:

16 Land Area (1/100 Acres) **46/100**

17. UTILITY SERVICES PROVIDER

Well City Water: **JEA**

Septic Tank: City Sewer: **JEA**

**\* \* NOTICE TO OWNER/AGENT/APPLICANT \* \* \***

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

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

18. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. *(Please note that failure by the applicant to adequately substantiate the need for the waiver and to meet the criteria set forth below may result in a denial).*

1. Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?
2. Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?
3. Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same.
4. Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?
5. Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?
6. Does the subject property exhibit specific physical limitations or characteristics, which would be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?
7. Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?

8. Is the request the result of a violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicants acquiring the property, not being a direct result of the actions of the current owner?
9. Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?
10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?

19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

- Survey
- Site Plan as required per instructions. (All copies on 8 1/2" x 11" and 2 copies on 11 x 17 or larger)
- Letter of Authorization for Agent is required if any person other than the property owner makes the application.
- Legal description, may be either lot and block, including book and page numbers, or metes and bounds descriptions, and either shall include real estate assessment number(s) of the subject property
- Photographs of sign structure showing nonconforming nature and physical impediments to compliance
- If waiver is based on economic hardship, applicant must submit the following:
  - Two estimates from licensed contractors stating the cost of bringing the sign structure into compliance; and
  - Any other information the applicant wished to have considered in connection to the waiver request.
- Proof of Ownership

(Note: the Council may, as a condition of the waiver, specify a time period within which the sign structure shall be required to conform to the requirements of the City's sign regulations )

### NOTICE TO OWNER / AGENT / APPLICANT

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. You (or your agent) must be present at the public hearing.

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

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

EXHIBIT A

Property Ownership Affidavit

Date: 08/13/2015

City of Jacksonville

City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 128 East Forsyth Street, Florida Theatre Building, Suite 700  
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, Barbara Langston 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 Sign Waiver Application, submitted to the Jacksonville Planning and Development Department.

Barbara Langston  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 24<sup>th</sup> day of September (month), 2015 (year) by Barbara Langston who is personally known to me or has produced FID# L 523-061-59-622-1 as identification.

Georgia M. Gimbel  
(Notary Signature)

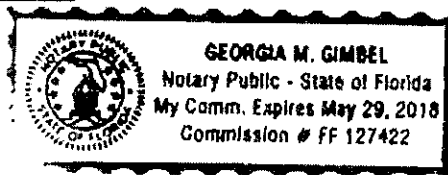


EXHIBIT B

Agent Authorization

Date: 08/13/2015

City of Jacksonville  
City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 128 East Forsyth Street, Florida Theatre Building, Suite 700  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

6906 Beach Blvd Jacksonville, FL 32216

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 Howell Ruehl

with Brite Lite Service Co., Inc. to act as agent to file application(s)

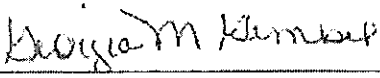
for B Langston's for the above referenced

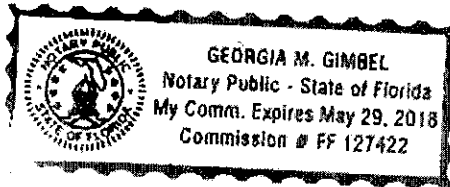
property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 29<sup>th</sup> day of September (month),  
2015 (year) by Barbara Langston, who is personally known to me or has  
produced FDL L523-061-69-632-1 as identification.

  
(Notary Signature)



ORDINANCE \_\_\_\_\_

Legal Description

---

EXHIBIT A

*Legal Description*

Lot 4, Block 3, RIDGELAND GARDENS, according to plat thereof recorded in Plat Book 12, page 65, of the current public records for Duval County, Florida.

OCTOBER 14, 2015

# APPLICATION FOR SIGN WAIVER

---

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

*Yes, the contiguous properties have signs on their properties*

---

2. Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?

*No, the sign will not detract from the general area. The contiguous properties have ground signage.*

---

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

*No, because it is consistent with the general area.*

---

4. Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?

*No. The proposed sign will not have any effect on traffic. The message center has an auto-dim for night-time viewing.*

---

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

*No, it will help the public find the client's location.*

---

6. Does the subject property exhibit specific physical limitations or characteristics, which would be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?

*Yes, there are no physical limitations.*

---

7. Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?

*No, this will be a new message center.*

---

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

*No violations have been issued.*

---

# APPLICATION FOR SIGN WAIVER

---

9. Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?

*Yes, it does accomplish public interest. The new message center will increase public interest.*

---

10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?

*No financial burden will be created. This message center and signage will be placed adjacent to the existing building.*

This Instrument Prepared By:  
Jackson Walker, LLP  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
Attention: Judge A. Platt

After Recording Return To:  
Barbara Langston and Anthony Grogan  
1485 Glendale Road East  
Jacksonville, FL 32216

RE Parcel No.: 134828-000

SPECIAL WARRANTY DEED

THE STATE OF FLORIDA §  
  §                      KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF DUVAL §

ATRIUM WINDOWS AND DOORS, INC, a Delaware corporation and successor by merger to Atrium Windows and Doors of Florida, LLC, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, AND CONVEY unto BARBARA LANGSTON AND ANTHONY GROGAN (collectively, "Grantee") the real property in Duval County, Florida, fully described in Exhibit A hereto and all improvements located thereon, together with (i) any and all rights, titles, powers, privileges, easements, licenses, rights-of-way and interests appurtenant to the land, and (ii) all rights, titles, powers, privileges, licenses, easements, rights-of-way and interests, if any, of Grantor, either at law or in equity, in possession or in expectancy, in and to any land lying in the streets, highways, roads, alleys, rights-of-way or sidewalks, open or proposed, in front of, above, over, under, through or adjoining the land and in and to any strips or gores of land estate adjoining the land described herein (collectively, the "Property"), subject to the Permitted Exceptions (defined below).

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit B hereto, to the extent the same are validly existing and applicable to the Property (collectively, the "Permitted Exceptions"). This conveyance is also being made by Grantor and accepted by Grantee subject to taxes for the year 2013, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its successors and



assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor but not otherwise, subject to the Permitted Exceptions.

EXCEPT AS EXPRESSLY SET FORTH HEREIN OR IN THAT CERTAIN COMMERCIAL CONTRACT BETWEEN GRANTOR AND GRANTEE DATED May 22, 2013 (THE "CONTRACT"), IT IS UNDERSTOOD AND AGREED THAT THE PROPERTY IS BEING SOLD AND CONVEYED HEREUNDER "AS IS" WITH ANY AND ALL FAULTS AND LATENT AND PATENT DEFECTS WITHOUT ANY EXPRESS OR IMPLIED REPRESENTATION OR WARRANTY BY GRANTOR. GRANTOR HAS NOT MADE AND DOES NOT HEREBY MAKE AND HEREBY SPECIFICALLY DISCLAIMS (EXCEPT AS EXPRESSLY SET FORTH HEREIN OR IN THE AGREEMENT) ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY (OTHER THAN GRANTOR'S SPECIAL WARRANTY OF TITLE CONTAINED HEREIN), ITS CONDITION (INCLUDING WITHOUT LIMITATION ANY REPRESENTATION OR WARRANTY REGARDING SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE), ITS COMPLIANCE WITH ENVIRONMENTAL LAWS OR OTHER LAWS, OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, AND GRANTOR HEREBY DISCLAIMS AND RENOUNCES ANY OTHER REPRESENTATION OR WARRANTY. GRANTEE ACKNOWLEDGES AND AGREES THAT IT IS ACCEPTING THIS DEED WITHOUT RELYING (EXCEPT AS EXPRESSLY SET FORTH HEREIN OR IN THE CONTRACT) UPON ANY SUCH REPRESENTATION, WARRANTY, STATEMENT OR OTHER ASSERTION, ORAL OR WRITTEN, MADE BY GRANTOR OR ANY REPRESENTATIVE OF GRANTOR OR ANY OTHER PERSON ACTING OR PURPORTING TO ACT FOR OR ON BEHALF OF GRANTOR WITH RESPECT TO THE PROPERTY BUT RATHER IS RELYING UPON ITS OWN EXAMINATION AND INSPECTION OF THE PROPERTY. GRANTEE REPRESENTS THAT IT IS A KNOWLEDGEABLE BUYER OF REAL ESTATE AND THAT, EXCEPT AS EXPRESSLY SET FORTH HEREIN OR IN THE CONTRACT, IT IS RELYING SOLELY ON ITS OWN EXPERTISE AND THAT OF ITS CONSULTANTS IN PURCHASING THE PROPERTY. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT THE PROVISIONS OF THIS SECTION WERE A MATERIAL FACTOR IN GRANTOR'S DETERMINATION OF THE CONSIDERATION FOR THE TRANSFER OF THE PROPERTY TO GRANTEE.

GRANTEE, ON BEHALF OF GRANTEE AND GRANTEE'S HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEE PARTIES") AND ANYONE CLAIMING BY, THROUGH OR UNDER GRANTEE, HEREBY FULLY AND IRREVOCABLY RELEASES GRANTOR AND GRANTOR'S AFFILIATES, PARENT COMPANIES AND SUBSIDIARIES, AND EACH OF THEIR RESPECTIVE EMPLOYEES, OFFICERS, DIRECTORS, SHAREHOLDERS, REPRESENTATIVES, AGENTS, SERVANTS, ATTORNEYS, SUCCESSORS AND ASSIGNS, AND ALL PERSONS, FIRMS, CORPORATIONS AND ORGANIZATIONS ACTING ON THE BEHALF OF EACH OF THE FOREGOING (COLLECTIVELY, THE "GRANTOR PARTIES") FROM ANY AND ALL CLAIMS, COUNTERCLAIMS, COSTS, LOSSES, LIABILITIES, OBLIGATIONS, LEGAL OR ADMINISTRATIVE ORDERS

OR PROCEEDINGS, DAMAGES, PUNITIVE DAMAGES, EXPENSES, PENALTIES, FINES, DEMANDS, ACTIONS OR CAUSES OF ACTION AND JUDGMENTS (COLLECTIVELY, "CLAIMS") THAT GRANTEE, ANY GRANTEE PARTY OR ANYONE CLAIMING BY, THROUGH OR UNDER GRANTEE MAY NOW HAVE OR HEREAFTER ACQUIRE AGAINST ANY GRANTOR PARTY ARISING FROM OR RELATED TO ANY CONSTRUCTION DEFECTS, ERRORS, OMISSIONS OR OTHER CONDITIONS, LATENT OR OTHERWISE, WHETHER GEOTECHNICAL, SEISMIC OR OTHERWISE, AFFECTING THE PROPERTY OR ANY PORTION THEREOF.

Current ad valorem taxes on the Property having been prorated, Grantee hereby assumes liability for the payment thereof for the current year and subsequent years.

Grantee's address is: 1485 Glendale Road East, Jacksonville, FL 32216.

EXECUTED to be effective as of the 16<sup>th</sup> day of July, 2013.

GRANTOR:

ATRIUM WINDOWS AND DOORS, INC  
a Delaware corporation and successor by merger to  
Atrium Windows and Doors of Florida, LLC, a  
Delaware limited liability company



By: Robert M. Reed, Jr.  
Name: Robert M. Reed, Jr.  
Title: Senior Vice President

THE STATE OF TEXAS       §  
  §  
COUNTY OF DALLAS       §

This instrument was acknowledged before me on the 15<sup>th</sup> day of July, 2013, by Robert M. Reed, Jr., Senior Vice President of ATRIUM WINDOWS AND DOORS, INC., a Delaware corporation and successor by merger to Atrium Windows and Doors of Florida, LLC, a Delaware limited liability company, on behalf of said corporation.



Sheila A. Pedersen  
Notary Public, State of Texas  
My Commission Expires: 3-1-2017

GRANTEE:

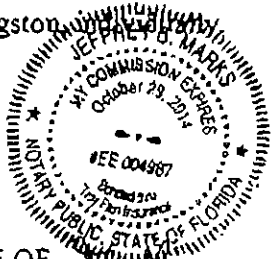
Barbara Langston  
Barbara Langston

Anthony Grogan  
Anthony Grogan

THE STATE OF Florida §

COUNTY OF Duval §

This instrument was acknowledged before me on the 16<sup>th</sup> day of July, 2013, by Barbara Langston



Jeffrey B. Marks  
Notary Public, State of Florida  
My Commission Expires: 10-29-14

THE STATE OF Florida §

COUNTY OF Duval §

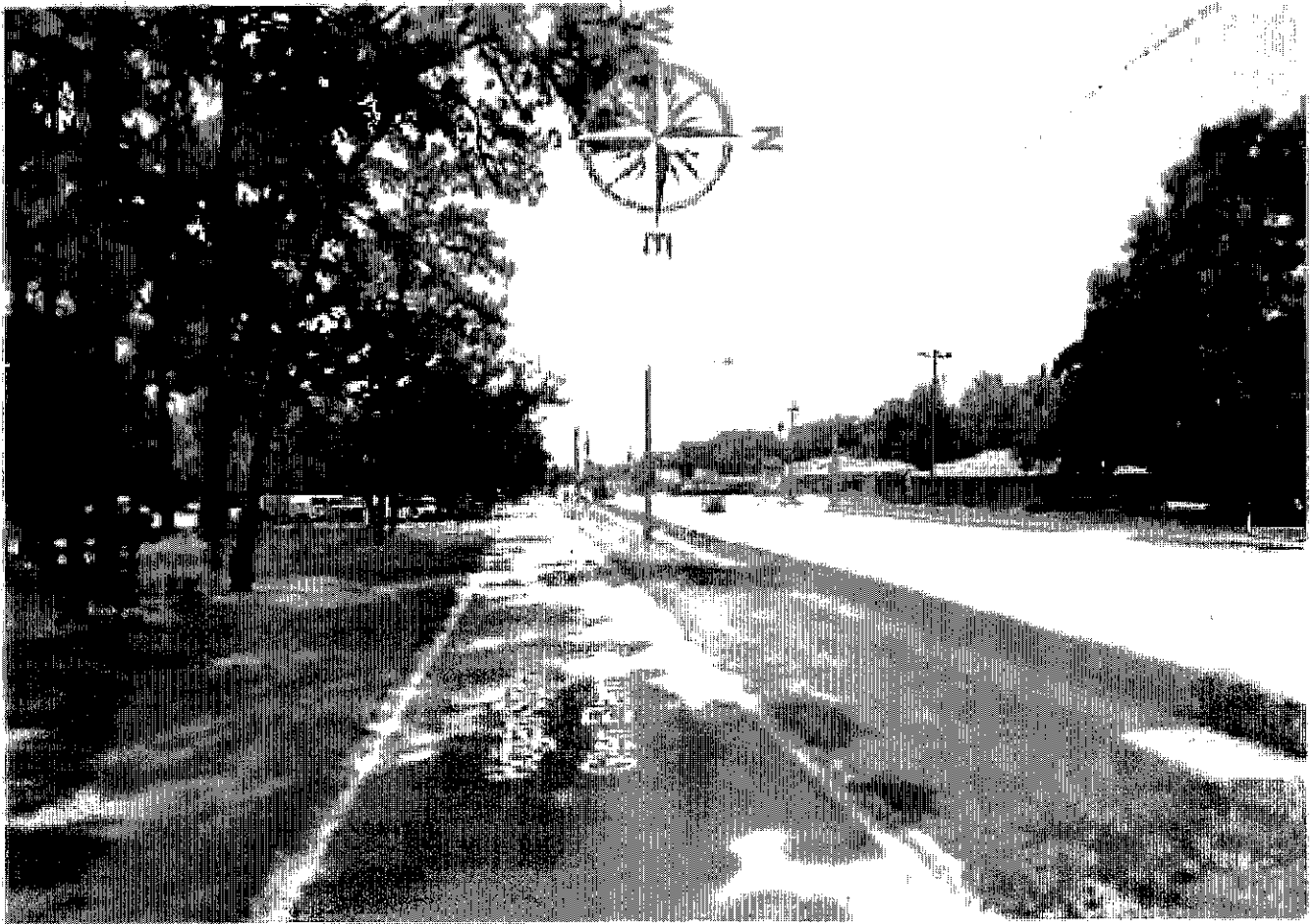
This instrument was acknowledged before me on the 16<sup>th</sup> day of July, 2013, by Anthony Grogan, individually.

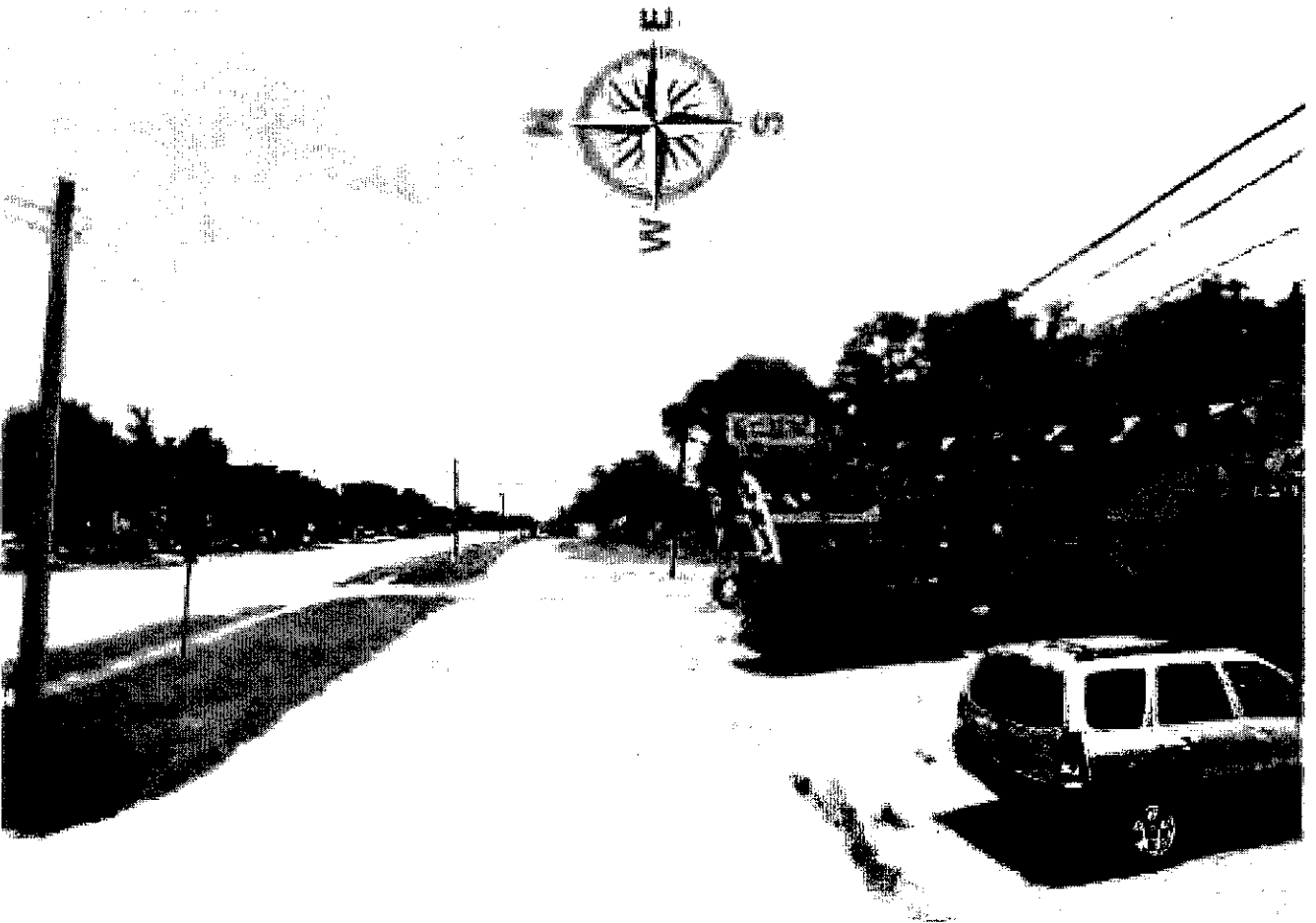
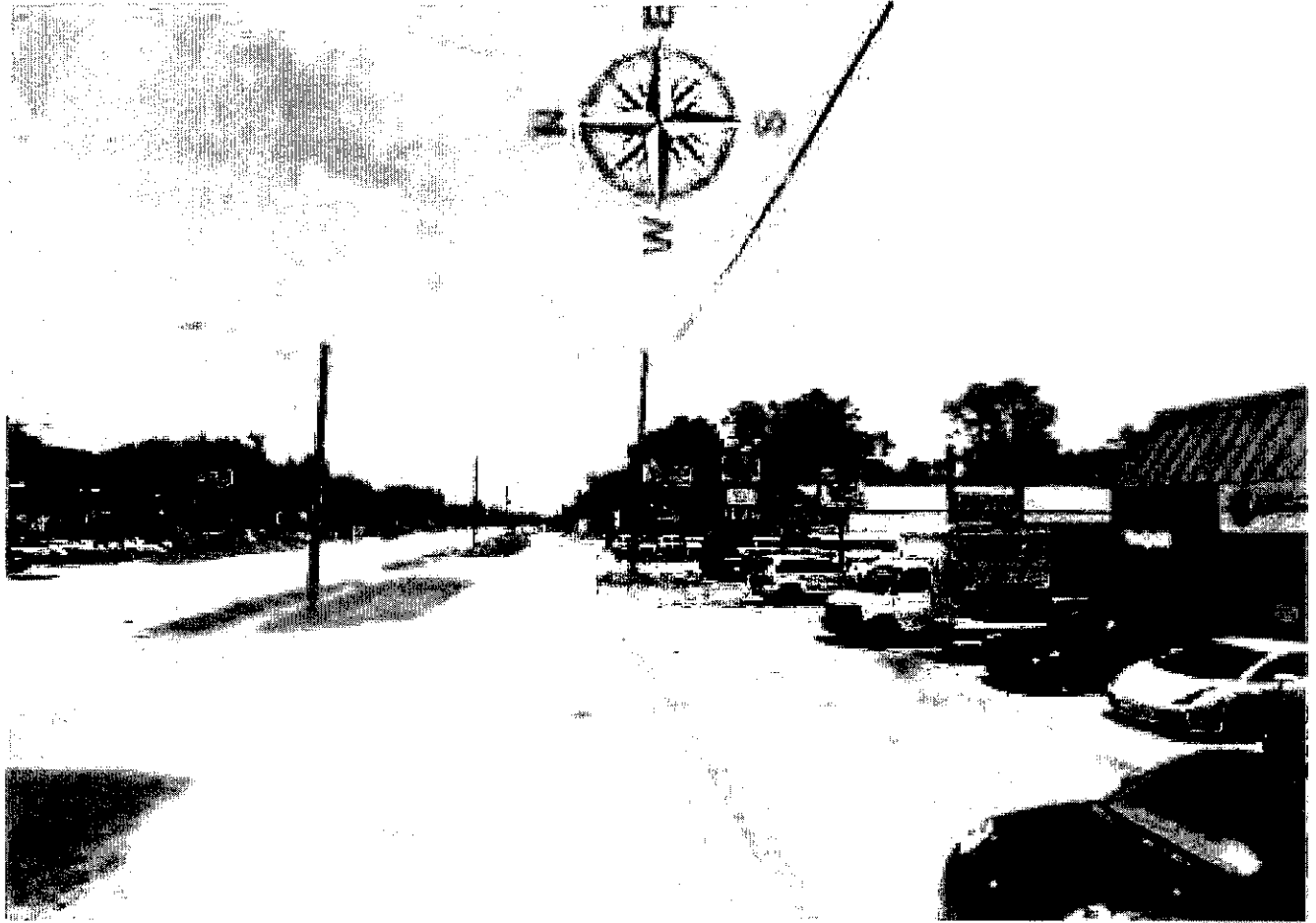


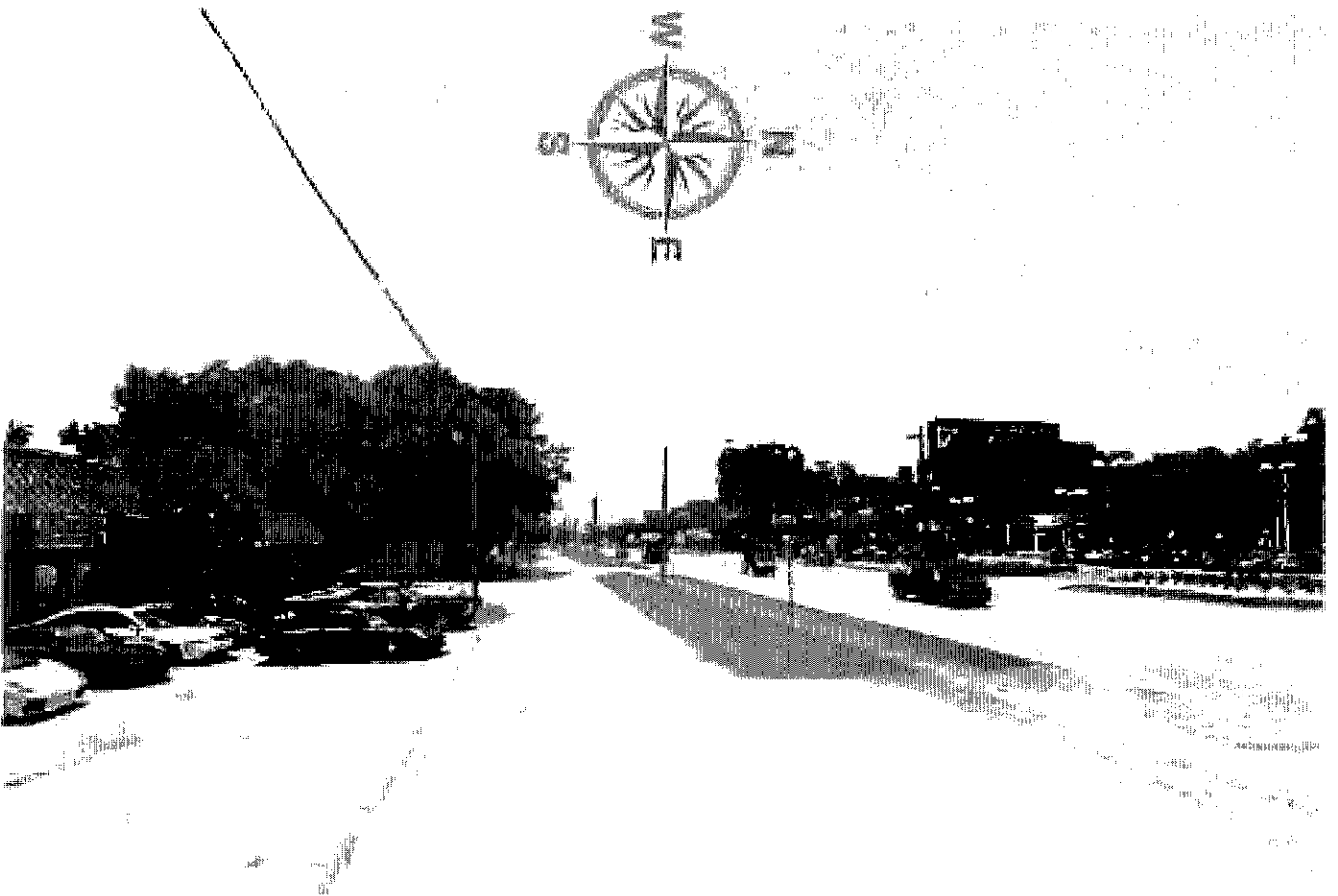
Jeffrey B. Marks  
Notary Public, State of Florida  
My Commission Expires: 10-29-14

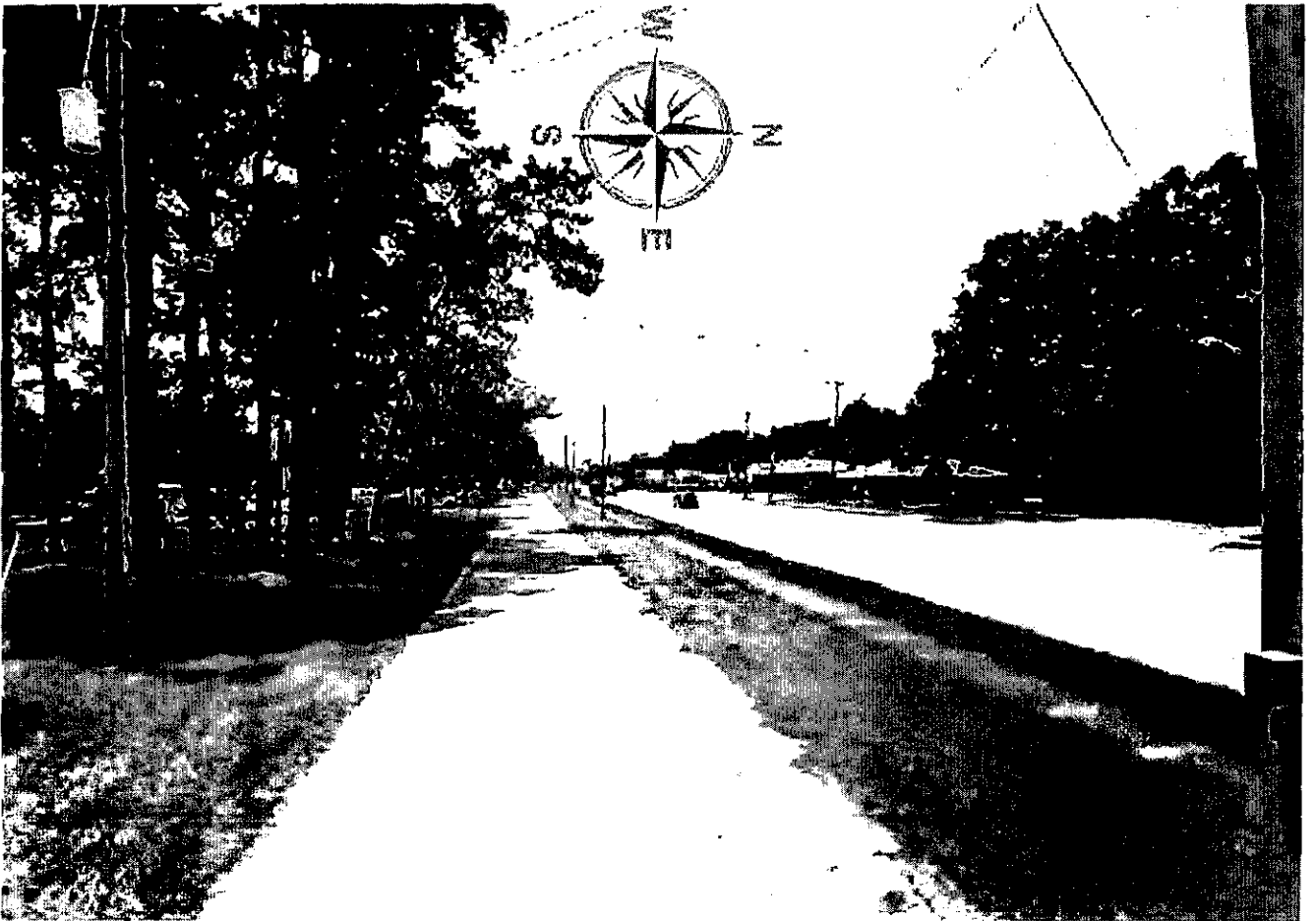
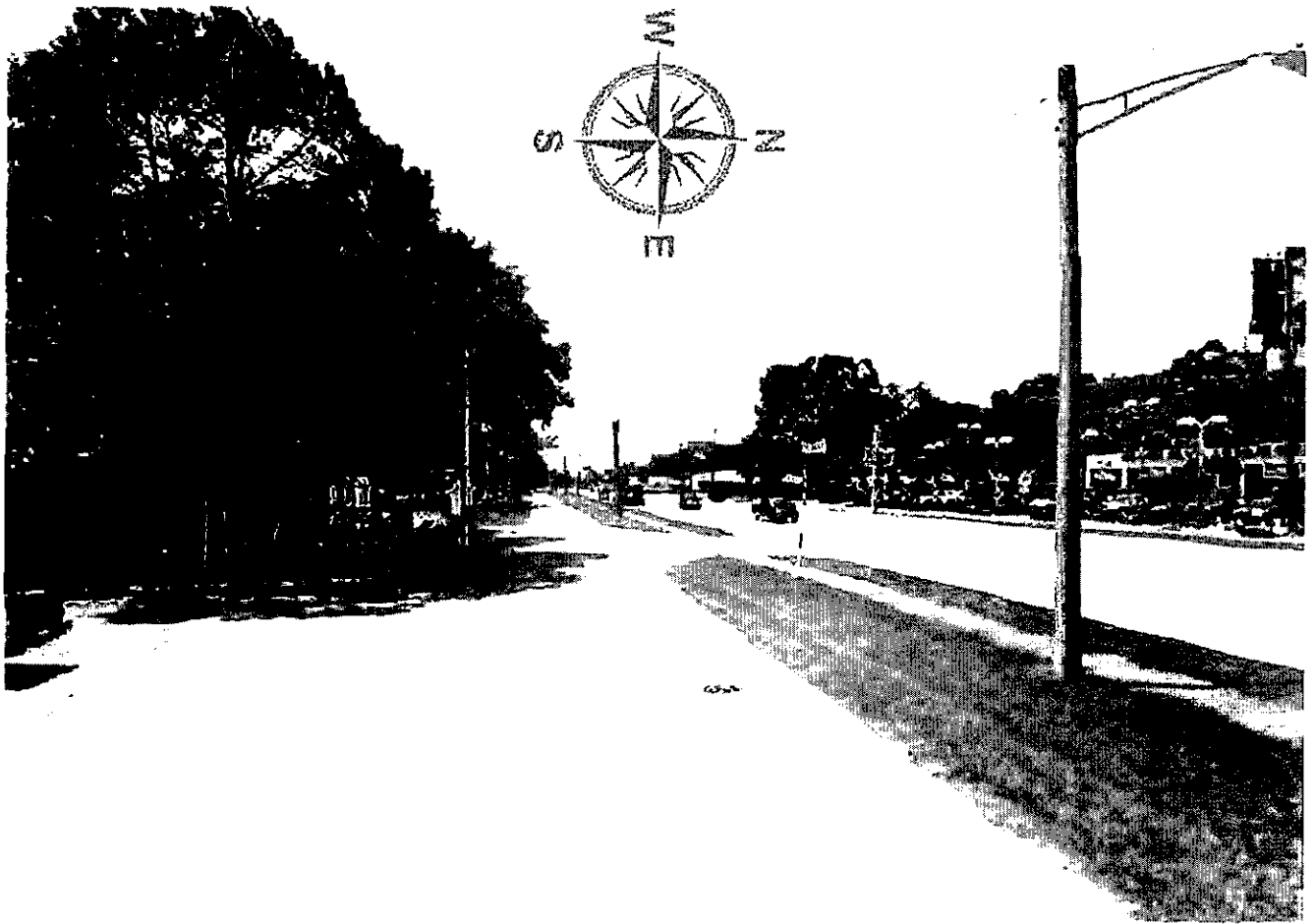
EXHIBITS:

- A - Property Description
- B - Permitted Exceptions



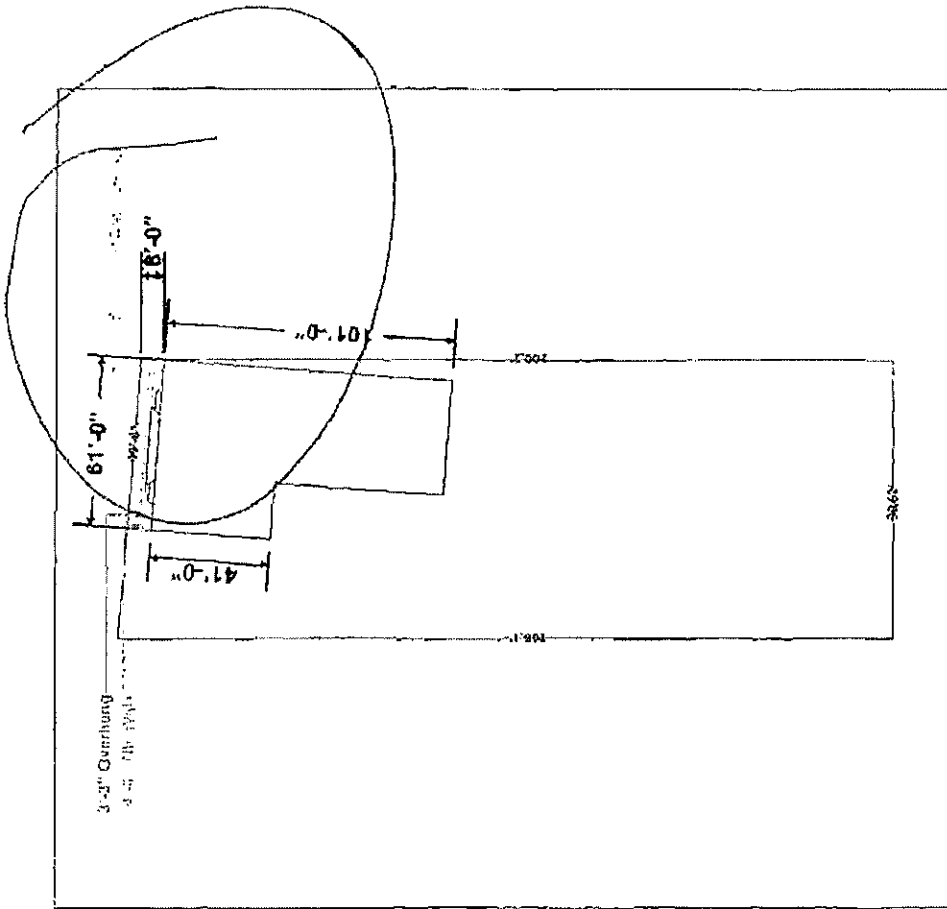
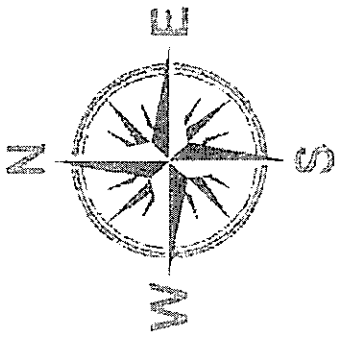












**EXHIBIT B**

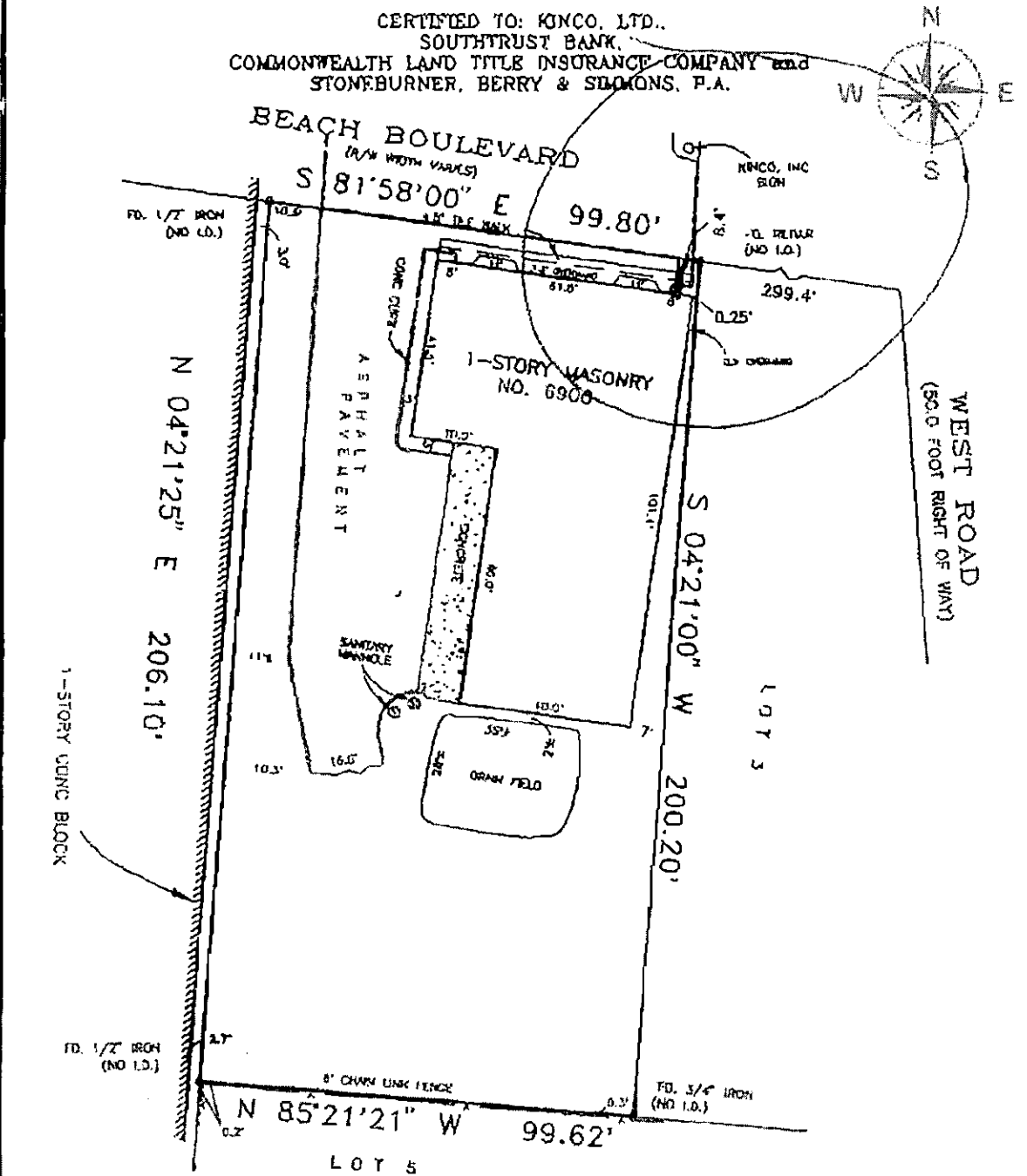
*Permitted Exceptions*

NONE

MAP SHOWING SURVEY OF

LOT 4, BLOCK 3, RIDGELAND GARDENS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 65 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO: KINCO, LTD.,  
SOUTHTRUST BANK,  
COMMONWEALTH LAND TITLE INSURANCE COMPANY and  
STONEBURNER, BERRY & SIMONS, P.A.



**LEGEND:**  
 D CONCRETE MONUMENT  
 O IRON PIPE OR ROD  
 O/E INYRHEAD ELECTRIC  
 O/T OVERHEAD TELEPHONE  
 X CROSS-CUT IN CONCRETE  
 X-X FENCE

As best determined from an inspection of Flood Insurance Rate Map, 120077 0226 E, dated 8-15-85, the lands/areas surveyed lie in Zone "X".

**ELLIS, CURTIS & KOOKER, INC.**  
 LAND SURVEYORS AND PLANNERS  
 (LB # 3080)

1880 EMERSON STREET  
 JACKSONVILLE, FLORIDA 32207  
 (904) 398-8334  
 FAX (904) 398-8987

**GENERAL NOTES:**  
 1.) This is a Boundary Survey.  
 2.) No abstract of title furnished.  
 3.) Not obstructed for easements.  
 4.) Basis of Bearings: Assumed  
 S. 81°-58'-00" E. along the South line of Beach Boulevard.

**ECK**

Not valid unless Surveyor's Official Seal is embossed hereon.

*W. J. Everett*  
 W. J. EVERETT, JR.  
 Certificate No. 1287  
 LOUIS J. ENRIGHT  
 Certificate No. 4080  
 Professional Surveyors & Mappers  
 State of Florida

