

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2014-048**

**FEBRUARY 13, 2014**

The Planning and Development Department hereby forwards to the Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2014-048**.

<b><i>Location:</i></b>	8789 and 8823 San Jose Boulevard Between Villa San Jose Drive and Baymeadows Road
<b><i>Real Estate Number:</i></b>	151585 0000
<b><i>Current Zoning District:</i></b>	Commercial Residential Office (CRO)
<b><i>Proposed Zoning District:</i></b>	Commercial Neighborhood (CN)
<b><i>Current Land Use Category:</i></b>	Residential Professional Institutional (RPI)
<b><i>Proposed Land Use Category:</i></b>	Neighborhood Commercial (NC)
<b><i>Planning District:</i></b>	Southeast, District 3
<b><i>City Council Representative:</i></b>	The Honorable Lori Boyer, District 5
<b><i>Agent:</i></b>	Matthew Thomas Jackson, Esquire Brennan Manna and Diamond, PL 800 West Monroe Street Jacksonville, Florida 32202
<b><i>Owner:</i></b>	Edmond R. Saoud San Jose Professional Center, LLC 8823 San Jose Boulevard, Suite 310 Jacksonville, Florida 32217
<b><i>Staff Recommendation:</i></b>	<b>APPROVE</b>

### GENERAL INFORMATION

Application for Rezoning **Ordinance 2014-048** seeks to rezone approximately 3.24 acres of land from CRO to CN. The subject property is within the RPI functional land use category as defined by the Future Land Use Map (FLUM) series contained in the Future Land Use Element (FLUE) as adopted as part of the 2030 Comprehensive Plan and within the Urban Priority development area. There is a companion Small Scale Land Use Amendment 2013C-028 (2014-047) which seeks to amend the land use on the property from RPI to NC. The Applicant seeks to broaden the available uses on the property. Staff has reviewed the request for a land use change and recommends Approval.

The property is located just northeast of the Baymeadows Road and San Jose Boulevard intersection and has direct access onto San Jose Boulevard. Currently, the parcel is developed with a three story commercial office building and several one story commercial office buildings built in 1976. There is an adjacent commercial shopping and business center to the south, as well as the Churchill Park professional office park to the north. There is a medical pediatric center east of the property with access to San Jose Park Drive.

According to the Capital Improvements Element of the 2030 Comprehensive Plan, the site fronting San Jose Boulevard is located within the "Urban Area" of the City.

### STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

***1. Is the proposed rezoning consistent with the 2030 Comprehensive Plan?***

Yes. In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the Planning and Development Department finds that the subject property is located in the RPI functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. There is a companion Small Scale Land Use Amendment Application 2013C-028 (Ordinance 2014-047)

which seeks to amend the Land Use Category from RPI to NC. The Neighborhood Commercial (NC) Future Land Use Map Category permits office, business, multi-family, and uses associated with and developed as an integral component of TOD. Plan amendment requests for new NC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as a collector or higher.

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

Yes. This rezoning does further the Goals, Objectives and Policies of the 2030 Comprehensive Plan, including the following:

***Policy 1.1.22*** Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

***GOAL 3*** To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

***Objective 3.2*** Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

***Policy 3.2.6*** The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

***Objective 3.4*** Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, education and recreational activities.

3. ***Does the proposed rezoning conflict with any portion of the City's land use regulations?***

No. The proposed rezoning does not conflict with any portions of the City's land use regulations. If approved, the subject property contains 3.24 acres and will be permitted uses that are allowed by right just south of the subject property. The rezoning to Commercial Neighborhood (CN) provides a gradual transition from CRO zoning to the north and CN and CCG-1 Zoning to the south.

The area surrounding the subject site is a mix of residential and office use. Directly west of the site across San Jose Boulevard are established single-family residential neighborhoods in the Low Density Residential (LDR) land use category. Surrounding the subject site on the east side of San Jose Boulevard is mostly professional offices, doctor's offices and a daycare in the RPI and Community/General Commercial (CGC) categories with a gas station, retail stores and restaurants fronting the nearby Baymeadows Road in the CGC land use category. Further east behind the subject property are many established single family and multi-family residences.

#### **SURROUNDING LAND USE AND ZONING**

The surrounding uses, land use category and zoning are as follows:

<b><u>Adjacent Property</u></b>	<b><u>Land Use Category</u></b>	<b><u>Zoning District</u></b>	<b><u>Current Use(s)</u></b>
North	RPI	CRO	Professional Office
East	RPI	CRO	Pediatric Medical Office
South	RPI/CGC	CN, CCG-1	Professional Office
West	LDR	RLD-90	San Jose Blvd, Single-family

#### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on the required Notice of Public Hearing sign **was not** posted at the time of Planner site visit. However, new signs were issued to the applicant and a sign posting affidavit dated February 3, 2014 was returned to the Planning Department with photos of the signs posted.

#### **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2014-048 be **APPROVED**.



**Subject property, 3-story office building fronting San Jose Boulevard**

*Source: City of Jacksonville Planning and Development Department*  
*Date: January 30, 2014*



**Interior parking lot, adjacent one-story office tenant spaces.**

*Source: City of Jacksonville Planning and Development Department*  
*Date: January 30, 2014*



**Interior parking lot, view toward east portion of property.**

*Source: City of Jacksonville Planning and Development Department  
Date: January 30, 2014*



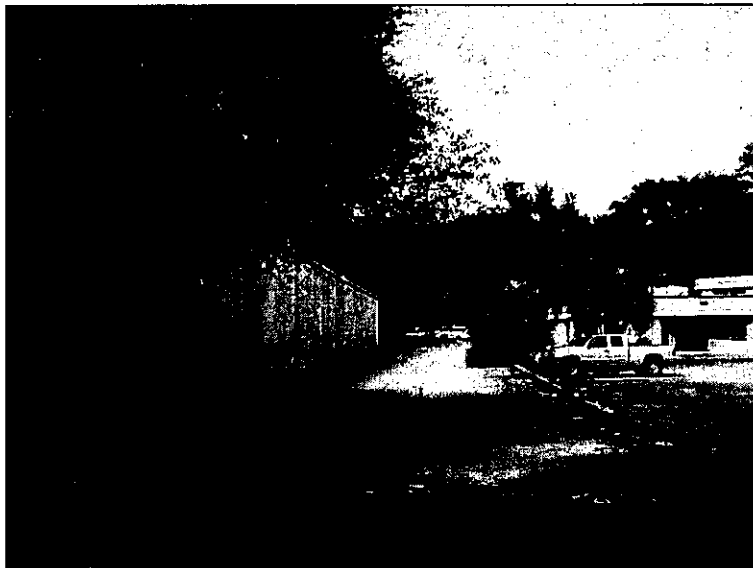
**Commercial office and business park south of the property along San Jose Park Dr.**

*Source: City of Jacksonville Planning and Development Department  
Date: January 30, 2014*



**Churchill Park office development north of the property.**

*Source: City of Jacksonville Planning and Development Department  
Date: January 30, 2014*



**Alley between the subject property and pediatric center to the east.**

*Source: City of Jacksonville Planning and Development Department  
Date: January 30, 2014*



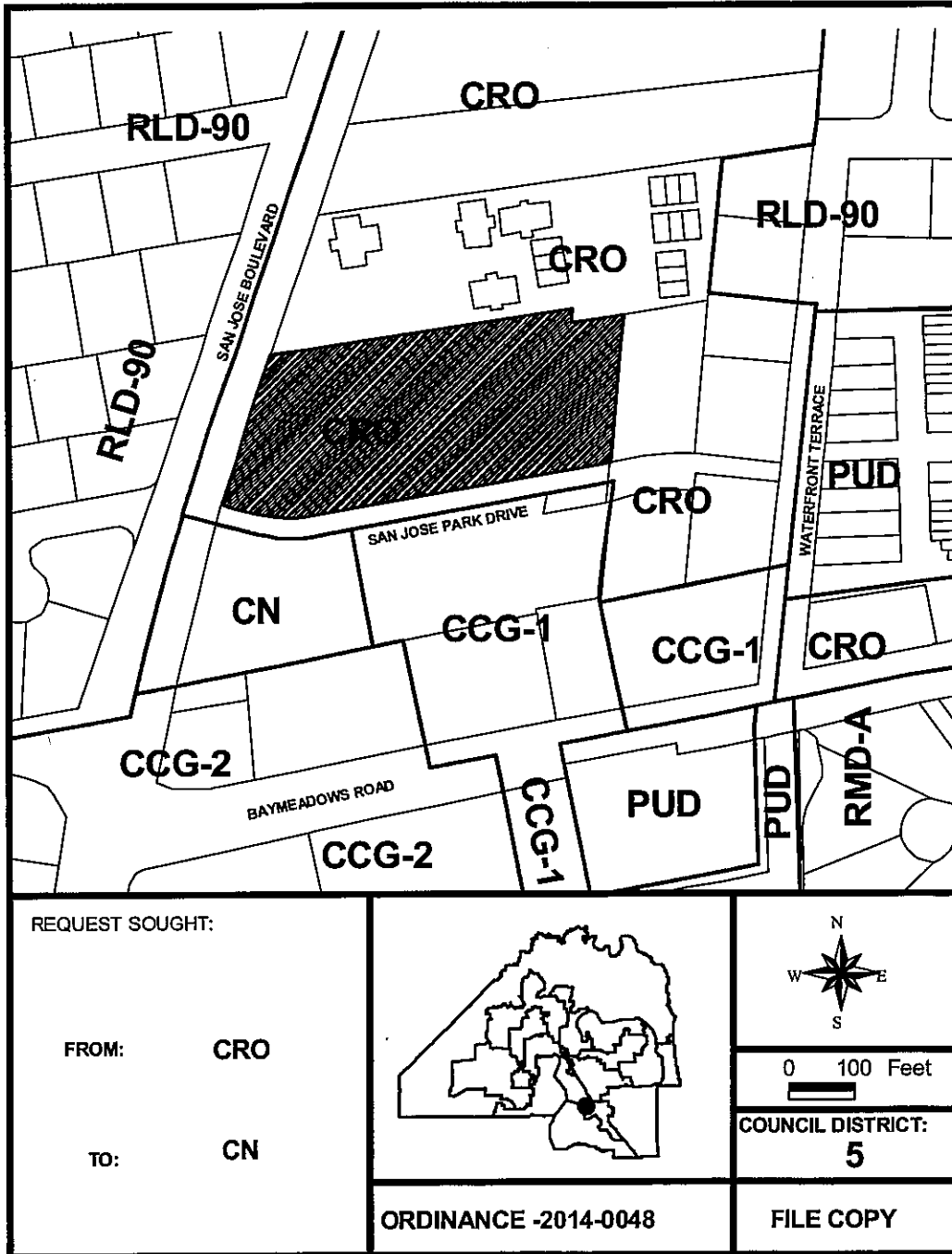
**Single-family development west across San Jose Boulevard.**

*Source: City of Jacksonville Planning and Development Department*  
*Date: January 30, 2014*



**Commercial tenant spaces east and south along San Jose Park Drive.**

*Source: City of Jacksonville Planning and Development Department*  
*Date: January 30, 2014*



**Application For Rezoning To Conventional Zoning District****Planning and Development Department Info****Ordinance #** 2014-048 **Staff Sign-Off/Date** AAG / 11/08/2013**Filing Date** 01/28/2014 **Number of Signs to Post** 5**Hearing Dates:****1st City Council** 02/11/2014 **Planning Commission** 02/13/2014**Land Use & Zoning** 02/19/2014 **2nd City Council** 02/25/2014**Neighborhood Association** BETTER BAYMEADOWS, INC., GOODBYS CREEK ASSOCIATION**Neighborhood Action Plan/Corridor Study** NONE**Application Info****Tracking #** 481**Application Status** PENDING**Date Started** 10/11/2013**Date Submitted** 10/14/2013**General Information On Applicant****Last Name****First Name****Middle Name**

MATTHEW

JACKSON

THOMAS

**Company Name**

BRENNAN MANNA &amp; DIAMOND, P.L.

**Mailing Address**

800 WEST MONROE ST.

**City****State****Zip Code**

JACKSONVILLE

FL

32202

**Phone****Fax****Email**

9043551500

9043661501

MTJACKSON@BMDPL.COM

**General Information On Owner(s)**☐ **Check to fill first Owner with Applicant Info****Last Name****First Name****Middle Name**

SAOUD

EDMOND

R

**Company/Trust Name**

SAN JOSE PROFESSIONAL CENTER, LLC

**Mailing Address**

8823 SAN JOSE BLVD. SUITE 310

**City****State****Zip Code**

JACKSONVILLE

FL

32217

**Phone****Fax****Email**

9047378846

9047331015

EDMOND@IMC-JAX.COM

**Property Information****Previous Zoning Application Filed For Site?** ☐**If Yes, State Application No(s)**

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

Map	151585 0000	5	3	CRO	CN
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Ensure that RE# is a 10 digit number with a space (##### #)

Land Use Category Proposed? ☒

If Yes, State Land Use Application #

5105

Land Use Category

Neighborhood Commercial

Total Land Area (Nearest 1/100th of an Acre) 3.74

### Justification For Rezoning Application

APPLICANT SEEKS TO BROADEN THE AVAILABLE USES FOR THE PROPERTY IN SUCH A WAY THAT IS CONSISTENT WITH THE SURROUNDING NEIGHBORHOOD BUT WILL ALLOW FOR GREATER ECONOMIC USE OF THE PROPERTY. APPLICANT HAS FILED A COMPANION LAND USE AMENDMENT APPLICATION TO CHANGE THE LAND USE CATEGORY FROM RPI TO NC.

### Location Of Property

#### General Location

MANDARIN/ SAN JOSE BOULEVARD AND BAYMEADOWS RD.

House #	Street Name, Type and Direction	Zip Code
8789	SAN JOSE BV	32217

#### Between Streets

BAYMEADOWS RD. and VILLA SAN JOSE DR.

### Required Attachments For Formal, Complete application

The following items must be attached to each 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 for inclusion of information required.

**Exhibit 1** ☒ A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.

**Exhibit A** ☒ Property Ownership Affidavit – Notarized Letter(s).

**Exhibit B** ☒ Agent Authorization - Notarized letter(s) designating the agent.

### Supplemental Information

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

☒ One copy of the Deeds to indicate proof of property ownership.

### 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 by my signature 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**

**3.74 Acres @ \$10.00 /acre: \$40.00**

**3) Plus Notification Costs Per Addressee**

**53 Notifications @ \$7.00 /each: \$371.00**

**4) Total Rezoning Application Cost: \$2,411.00**

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

# Property Ownership Affidavit

October 10, 2014

## City of Jacksonville

City Council / Planning and Development Department  
117 West Duval Street, 4th Floor /2  
14 North Hogan Street, Edward Ball Building, Ste. 300  
Jacksonville, Florida 32202

**Re: Ownership Certification**

**Gentleman:**

I, hereby certify that I am **Edmond R. Saoud**, Manager of International Management Company, Inc., the Manager of San Jose Professional Center, LLC the Owner of the property described in the attached legal description, **Exhibit 1** in connection with filing application(s) for a conventional rezoning and small scale land use amendment, submitted to the Jacksonville Planning and Development Department.

## Edmond R. Saoud

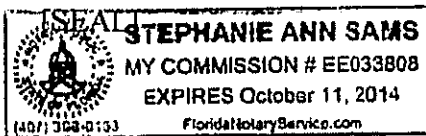
STATE OF Florida  
COUNTY OF Duval

The foregoing instrument was executed and acknowledged before me this 10<sup>th</sup> day of October, 2013, by Edmond R. Saoud, the Manger and Authorized Representative of San Jose Professional Center, LLC who is either:

✓ personally known to me OR  
       produced \_\_\_\_\_ as identification.

My Commission Expires: October 11, 2014

Stephanie Ann Smith  
Notary Public



[Name typed, printed or stamped]

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, **Edmond R. Saoud**, Manager of International Management Company, Inc., the Manager of San Jose Professional Center, LLC and the owner of property located at 8823 San Jose Boulevard, Jacksonville, FL 32217, has made, constituted and appointed, and by these presents does make, constitute and appoint **Matthew T. Jackson, Esq. and Michael R. Freed, Esq.** to act for him, in his place and stead in the doing or executing of all or any of the following acts, deeds and things:

To make, execute, sign, seal, acknowledge and deliver all documents, applications or instruments, necessary or desirous to effect the application to modify the zoning and land use classifications for the real property ("Property") located in Duval County, Florida, more particularly described as follows:

8823 San Jose Boulevard, Jacksonville, FL 32217  
Real Estate Assessment #151585-0000

GIVING AND GRANTING unto **Matthew T. Jackson, Esq. and Michael R. Freed, Esq.**, my said attorneys, full power and authority to do and perform each and every act and thing set forth herein above as is requisite and necessary to be done in and about the Property for all intents and purposes as the undersigned might or could do if personally present, with full power of substitution or revocation, hereby ratifying and affirming all that my said attorney shall lawfully do or cause to be done by virtue hereof.

The undersigned represents that he understands this transaction and is giving and granting this power of attorney as a convenience only.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9<sup>th</sup> day of October, 2013.

Witness

Witness

  
Edmond R. Saoud



## OFFICIAL RECORDS

SPECIAL WARRANTY DEED

THIS DEED, made as of the 4<sup>th</sup> day of January, 1994, by and between SAN JOSE OFFICE PARK, INC., a Florida corporation (the "Grantor") and \*SAN JOSE CENTER NOMINEE TRUST, a nominee trust, whose address is 50 North Laura Street, Suite 3900, Jacksonville, FL 32202, Attention: Daniel J. Gallagher, and whose federal identification number is 59-7014953 (the "Grantee");

WITNESSETH:

\*San Jose Limited Company,  
an Trustee of the

That Grantor, for and in consideration of the purchase price and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs, successors and assigns, forever, those certain tracts or parcels of land more particularly described on Exhibit A attached hereto and by this reference incorporated herein, subject only to those matters set forth on Exhibit B hereto;

RE#151585-0000 and #151585-0100

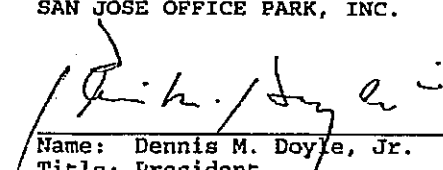
TO HAVE AND TO HOLD the same in fee simple; and the said Grantor hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal, the day and year first above set out.

Signed, sealed and  
delivered in the  
presence of:

SAN JOSE OFFICE PARK, INC.

  
Print Name: Dennis M. Doyle, Jr.

  
Name: Dennis M. Doyle, Jr.  
Title: President

  
Print Name: Martha M. White

Documentary Tax Pd F.S. 201.02 \$ 4,993.00Documentary Tax Pd F.S. 201.03 \$ -0-In apply Tax Pd F.S. 199 -0-Receipt \$ 4993.00

Henry W. Cook, Clerk of Circuit Court Duval County

By  Deputy Clerk

PREPARED BY AND RETURN TO:  
W. A. GARTNER, ESQUIRE  
GARTNER, BROCK AND SIMON  
1660 PRUDENTIAL DRIVE, SUITE 203  
JACKSONVILLE, FLORIDA 32207  
(904) 353-0870

STATE OF FLORIDA  
COUNTY OF DUVAL

## OFFICIAL RECORDS

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of January, 1994, by Dennis M. Doyle, Jr., as President of San Jose Office Park, Inc., a Florida corporation, on behalf of the corporation.



Martha M. Wirtz  
Name: MARTHA M. WIRTZ  
Notary Public, State and  
County Aforesaid

My Commission Expires:

(Notarial Seal)

Personally known or Produced identification  
Type of identification produced FLORIDA DRIVER'S LICENSE

Clients@SanJose.SMD

## EXHIBIT "A"

## OFFICIAL RECORDS

LEGAL DESCRIPTION

Part of the ROBERT WHITMORE GRANT, Section 46, Township 3 South, Range 27 East, Duval County, Florida, more particularly described as follows:

Commence at the Northeast corner of Lot 1, RIVERFRONT PLACE, according to the plat thereof recorded in Plat Book 4, page 53, of the current public records of said county; thence North  $5^{\circ} 27' 30''$  East, 112.59 feet along the Westerly line of Waterfront Terrace to the Southerly line of a 60.0 foot easement for road purposes (San Jose Park Drive, a 60.0 foot right of way), by Official Records Volume 4058, page 329; thence North  $84^{\circ} 35' 30''$  West, 120.08 feet along the Southerly line of said 60.0 foot easement to the point of curve concave to the South and having a radius of 330.72 feet; thence around and along said curve through a central angle of  $15^{\circ} 37'$ , an arc distance of 90.14 feet to its Point of Tangency, said arc being subtended by a chord having a bearing and distance of South  $87^{\circ} 36'$  West, 89.86 feet; thence South  $79^{\circ} 47' 30''$  West, 61.31 feet along the Southerly line of said 60.0 foot easement to the Point of Beginning; thence continue South  $79^{\circ} 47' 30''$  West, 81.92 feet along the Southerly line of said 60.0 foot easement; thence North  $5^{\circ} 27' 30''$  East, 31.16 feet to a point in the center line of said 60.0 foot easement; thence South  $79^{\circ} 47' 30''$  West, 362.43 feet along the center the center line of said 60.0 foot easement to the Point of Curve of a curve concave to the North and having a radius of 240.34 feet; thence around and along said curve through a central angle of  $28^{\circ} 02'$ , an arc distance of 117.59 feet to its Point of Tangency, said arc being subtended by a chord having a bearing and distance of North  $86^{\circ} 11' 30''$  West, 116.42 feet; thence continuing along the center line of said 60.0 foot easement North  $72^{\circ} 10' 30''$  West, 50.33 feet to the Southeasterly line of State Road No. 13 (a 100.0 foot right of way), being in a curve concave to the Southeast and having a radius of 5,675.6 feet; thence along said curve through a central angle of  $2^{\circ} 40' 40''$ , an arc distance of 265.45 feet, said arc being subtended by a chord having a bearing and distance of North  $17^{\circ} 52' 06''$  East, 265.42 feet; thence North  $81^{\circ} 03' 30''$  East, 472.35 feet; thence South  $5^{\circ} 27' 30''$  West, 20.09 feet; thence North  $81^{\circ} 03' 30''$  East, 81.38 feet; thence South  $5^{\circ} 27' 30''$  West, 295.43 feet to the Point of Beginning.

## EXHIBIT B

## OFFICIAL RECORDS

## PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 1994 and subsequent years.
2. Reciprocal Grants of Easements made by and between San Jose Offices, Inc., a Florida corporation, and Thomas O. Kennard, Jr., dated December 12, 1975, recorded in Official Records Volume 4058, page 329, of the current public records of Duval County, Florida.
3. Easement made by and between Thomas O. Kennard to Southern Bell Telephone and Telegraph Company, dated November 12, 1994, recorded in Official Records Volume 5883, page 1742, of the current public records of Duval County, Florida.
4. Easement made by and between San Jose I, Ltd., a Florida limited partnership to Jacksonville Suburban Utilities Corporation, a Florida corporation, dated November 6, 1990, recorded in Official Records Volume 6999, page 565, of the current public records of Duval County, Florida.
5. Existing unrecorded leases and all rights thereunder of the lessees and of any person claiming by, through or under the lessees.

94-0002067

FILED AND RECORDED  
IN PUBLIC RECORDS  
OF DUVAL COUNTY FLA

94 JAN -6 AM 11:09

RECORD VERIFIED

*Hayes*  
CLERK OF CIRCUIT COURT

# ORDINANCE

## LEGAL DESCRIPTION

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Less and except the 60.0 foot easement for road purposes (San Jose Park Drive, a 60.0 foot right of way).