

RESOLUTION NO. 2011-83

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING PAYMENT PER THE TERMS OF TWO SETTLEMENT AGREEMENTS IN THE EMINENT DOMAIN CASES FOR ACQUISITION OF PROPERTY FOR THE CR 210/I-95 ROADWAY IMPROVEMENT PROJECT.**

**RECITALS**

**WHEREAS**, on September 15, 2009, per Chapter 127, Florida Statutes, the Board approved Resolution 2009-241 authorizing eminent domain for property needed for Phase II of the CR 210 at I-95 roadway improvement project; and

**WHEREAS**, as part of the eminent domain process a mediation conference was held on March 2, 2011, which resulted in execution of two Settlement Agreements between property owners and their attorneys and the County's eminent domain counsel, attached hereto as Exhibit "A" and "C", incorporated by reference and made a part hereof; and

**WHEREAS**, the Settlement Agreements provide for all inclusive compensation of \$220,000.00 to CR 210 Associates LLC and \$237,399.50 to Tom's Chevron, for property, fees, and costs related to these settlements; and

**WHEREAS**, the parcels included in the Settlement Agreements are described as Parcels 105 and 705 on the attached Exhibit "B" and Parcels 103, 703 A & B, and 803, on the attached Exhibit "D", incorporated by reference and made a part hereof; and

**WHEREAS**, it is in the best interest of the County to approve the Settlement Agreements in order to move forward with the needed roadway improvements.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, Florida that:

**Section 1.** The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Resolution.

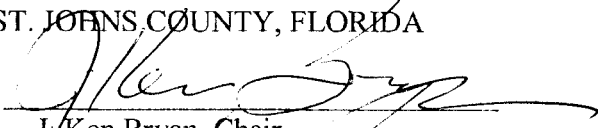
**Section 2.** The Board of County Commissioners hereby approves the terms of the Settlement Agreements, attached hereto as Exhibit "A" and Exhibit "C", and incorporated herein.

**Section 3.** To the extent that there are typographical errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

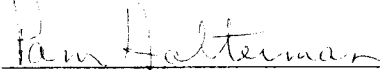
**Section 4.** The Clerk is instructed to file the original Settlement Agreements in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 19<sup>th</sup> day of April, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 04/21/11

Exhibit "A"  
to the Resolution

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR ST.  
JOHNS COUNTY, FLORIDA

CASE NO.: CA10-1077  
DIVISION: 55

ST. JOHNS COUNTY, municipal  
corporation of the State of Florida,

Petitioner,

v.

CR210 ASSOCIATES, LLC, a Florida  
limited liability company, etc., et al.,

Defendants.

SETTLEMENT AGREEMENT  
(Parcels 105/705)

The parties agree that Defendant, CR210 ASSOCIATES, LLC, is entitled to just compensation for ~~Parcels 105/705~~ in the sum of \$ 220,000.00 allocated as follows: for all compensation, damages, fees, costs and interest arising out of the project including Parcels 105, 705, 700 and 706.

<del>Parcel 105:</del>	<del>Land and Improvements taken</del>	<del>\$ _____</del>
	<del>Severance Damages</del>	<del>\$ _____</del>
	<del>Cost to Cure</del>	<del>\$ _____</del>
	<del>Business Damages</del>	<del>\$ _____</del>
<del>Parcel 705</del>	<del>Land and Improvements taken</del>	<del>\$ _____</del>
	<del>Severance Damages</del>	<del>\$ _____</del>
	<del>Cost to Cure</del>	<del>\$ _____</del>
	<del>Business Damages</del>	<del>\$ _____</del>

less the good faith deposit of \$ 139,750.00; ~~the sum of \$ \_\_\_\_\_ as a reasonable attorney's fees; and the sum of \_\_\_\_\_ as taxable costs to be awarded.~~

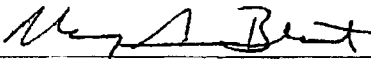
Petitioner will prepare an appropriate Stipulated Final Judgment. which shall include a provision incorporating Exhibit A. attached hereto and initialed by the Mediator.

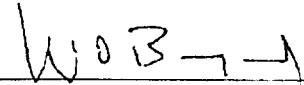
This settlement is subject to approval by <sup>the</sup> Board of County Commission of St. Johns County.

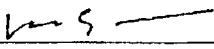
**Plaintiff**

**Mediator**

ST. JOHNS COUNTY

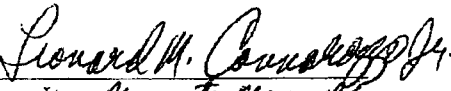
  
Print: Mary Ann Blount

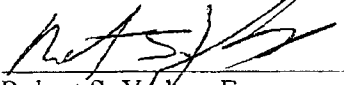
  
W. O. Birchfield (3979R)

  
~~Lee D. Wedekind, III, Esq.~~  
Attorney for Petitioner  
Joel S. Hembree, Jr.

**Defendant**

CR210 ASSOCIATES, LLC

By:   
Its: Property Manager

  
Robert S. Yerkes, Esq.  
Attorney for Defendant

**Exhibit A**

to the Settlement Agreement

The stipulated final judgment entered pursuant to this settlement shall provide that the existing Temporary Construction Easement on Parcel 705 is suspended as of the date of the judgment and without further order of the Court shall be reinstated for the period May 1, 2012 through May 1, 2015 and limited in scope to work for harmonizing and transition between the new roadway and the remainder property and relocation of improvements within that parcel.

748469

WOB  
W.O.B. ———  
3/22/2011

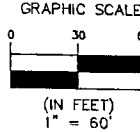
Exhibit "B"  
to the Resolution

# SKETCH AND LEGAL DESCRIPTION OF

A PART OF THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5, SOUTH, RANGE 28 EAST  
ST. JOHNS COUNTY, FLORIDA

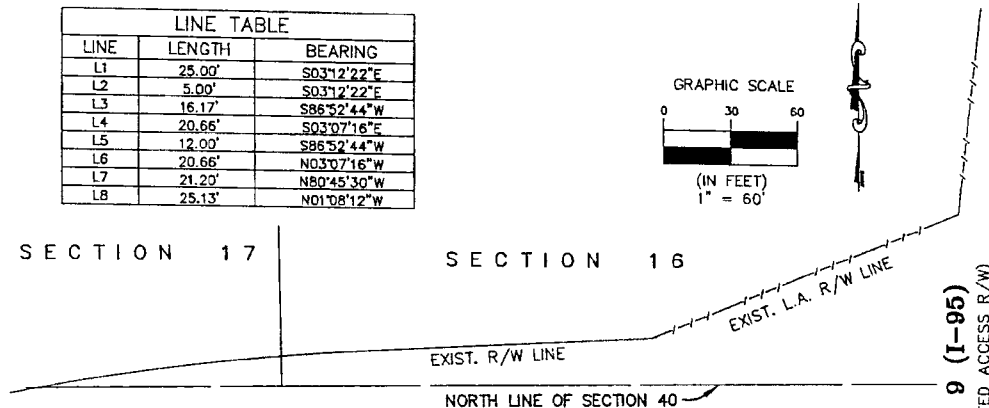
CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	03°52'51"	1,071.28'	72.56'	72.55'	S84°56'18"W
C2	00°43'42"	1,066.28'	13.56'	13.56'	S86°30'53"W
C3	01°49'58"	1,071.28'	34.27'	34.27'	N85°57'45"E
C4	02°02'53"	1,071.28'	38.30'	38.29'	S84°01'20"W
C5	09°45'12"	1,096.28'	186.62'	186.39'	N78°15'20"E
C6	03°44'48"	1,096.28'	71.69'	71.67'	N85°00'20"E
C7	13°30'00"	1,096.28'	258.31'	257.70'	N80°07'44"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00'	S03°12'22"E
L2	5.00'	S03°12'22"E
L3	16.17'	S86°52'44"W
L4	20.66'	S03°07'16"E
L5	12.00'	S86°52'44"W
L6	20.66'	N03°07'16"W
L7	21.20'	N80°45'30"W
L8	25.13'	N01°08'12"W



SECTION 17

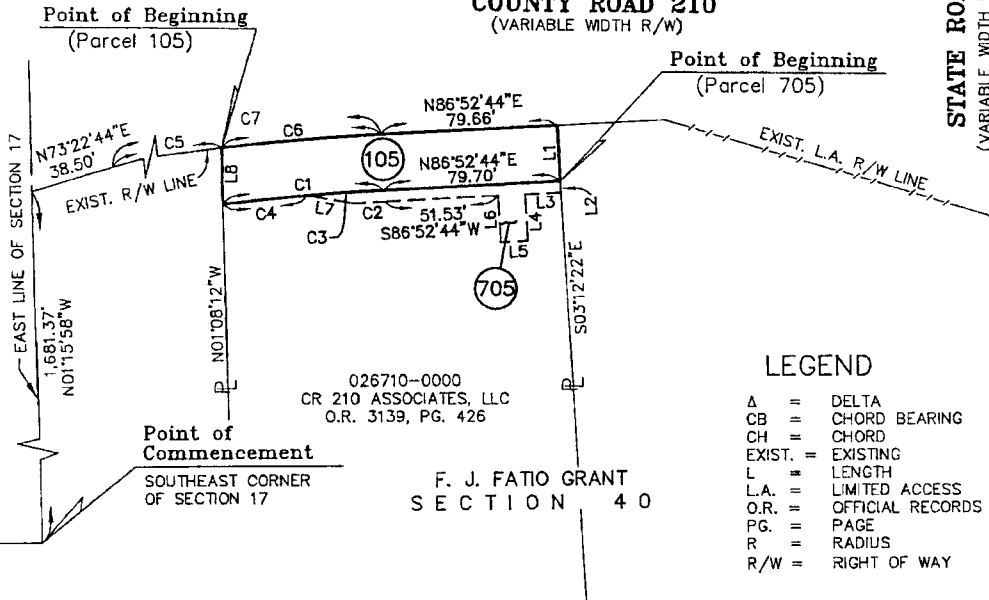
SECTION 16



Point of Beginning  
(Parcel 105)

**COUNTY ROAD 210**  
(VARIABLE WIDTH R/W)

Point of Beginning  
(Parcel 705)



STATE ROAD 9 (I-95)  
(VARIABLE WIDTH LIMITED ACCESS R/W)

**LEGEND**

- A = DELTA
- CB = CHORD BEARING
- CH = CHORD
- EXIST. = EXISTING
- L = LENGTH
- L.A. = LIMITED ACCESS
- O.R. = OFFICIAL RECORDS
- PG. = PAGE
- R = RADIUS
- R/W = RIGHT OF WAY

**GENERAL NOTES**

- BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA AS N 01°15'58" W. (STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NAD 1983 1990 NGS ADJUSTMENT.)
- THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. IT'S SOLE PURPOSE IS TO GRAPHICALLY ILLUSTRATE THE ATTACHED DESCRIPTIONS.

**SHEET 1 OF 2**

NO.	DATE	DESCRIPTION	BY
3	04-14-10	REVISE PARCEL 705	JES
2	11-30-09	REVISE PARCEL 705	JES
1	11-10-09	ADD PARCEL 705 & SHEET 2	JES

JOB NO. 2008-811-3  
 DRAFTER MJB  
 P.C. N/A  
 F.B. N/A PG. N/A  
 SCALE 1"=60'  
 DATE APRIL 14, 2010  
 CHECKED BY:

THIS MAP OR SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

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*Dennis E. Elswick*  
**DENNIS E. ELSWICK, P.L.S. CERT. NO. 3190**

# SKETCH AND LEGAL DESCRIPTION OF

A PART OF THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5, SOUTH, RANGE 28 EAST  
ST. JOHNS COUNTY, FLORIDA

**PARCEL 105 (FEE SIMPLE RIGHT OF WAY)**

A PART OF THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, (ALSO BEING A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3139, PAGE 426 OF THE PUBLIC RECORDS OF SAID ST JOHNS COUNTY, FLORIDA), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 01°15'58" WEST, ALONG THE EASTERLY LINE OF SAID SECTION 17, A DISTANCE OF 1,681.37 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED); THENCE EASTERLY ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 THE FOLLOWING TWO COURSES AND DISTANCES: (1) THENCE NORTH 73°22'44" EAST, 38.50 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,096.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 09°45'12", AN ARC DISTANCE OF 186.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 78°15'20" EAST, 186.39 FEET TO A POINT ON A CURVE AND THE POINT OF BEGINNING; THENCE CONTINUE NORTHEASTERLY ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210, AND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,096.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 03°44'48", AN ARC DISTANCE OF 71.69 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 85°00'20" EAST, 71.67 FEET TO A POINT OF TANGENCY; THENCE NORTH 86°52'44" EAST, ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210, A DISTANCE OF 79.66 FEET; THENCE SOUTH 03°12'22" EAST, DEPARTING SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210, A DISTANCE OF 25.00 FEET; THENCE SOUTH 86°52'44" WEST, A DISTANCE OF 79.70 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,071.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 03°52'51", AN ARC DISTANCE OF 72.56 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 84°56'18" WEST, 72.55 FEET; THENCE NORTH 01°08'12" WEST, A DISTANCE OF 25.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,795 SQUARE FEET, MORE OR LESS.

**PARCEL 705 (TEMPORARY CONSTRUCTION EASEMENT)**

A PART OF THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, (ALSO BEING A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3139, PAGE 426 OF THE PUBLIC RECORDS OF SAID ST JOHNS COUNTY, FLORIDA), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 01°15'58" WEST, ALONG THE EASTERLY LINE OF SAID SECTION 17, A DISTANCE OF 1,681.37 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED); THENCE EASTERLY ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 THE FOLLOWING THREE COURSES AND DISTANCES: (1) THENCE NORTH 73°22'44" EAST, 38.50 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,096.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 13°30'00", AN ARC DISTANCE OF 258.31 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 80°07'44" EAST, 257.70 FEET TO A POINT OF TANGENCY; (3) THENCE NORTH 86°52'44" EAST, 79.66 FEET; THENCE SOUTH 03°12'22" EAST, DEPARTING SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°12'22" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 86°52'44" WEST, A DISTANCE OF 16.17 FEET; THENCE SOUTH 03°07'16" EAST, A DISTANCE OF 20.66 FEET; THENCE SOUTH 86°52'44" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 03°07'16" WEST, A DISTANCE OF 20.66 FEET; THENCE SOUTH 86°52'44" WEST, A DISTANCE OF 51.53 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1,066.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 00°43'42", AN ARC DISTANCE OF 13.56 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 86°30'53" WEST, 13.56 FEET; THENCE NORTH 80°45'30" WEST, A DISTANCE OF 21.20 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1,071.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 01°49'58", AN ARC DISTANCE OF 34.27 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 85°57'45" EAST, 34.27 FEET TO A POINT OF TANGENCY; THENCE NORTH 86°52'44" EAST, A DISTANCE OF 79.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 767 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 2

NO.	DATE	DESCRIPTION	BY
3	04-14-10	REVISE PARCEL 705	JES
2	11-30-09	REVISE PARCEL 705	JES
1	11-10-09	ADD PARCEL 705 & SHEET 2	JES

JOB NO. 2008-811-3

DRAFTER MJB

P.C. N/A

F.B. N/A PG. N/A

SCALE 1"=60'

DATE APRIL 14, 2010

CHECKED BY:

THIS MAP OR SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, IN CHAPTER 61G17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

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*Dennis E. Elswick*  
DENNIS E. ELSWICK, P.L.S. CERT. NO. 3190



**Clary & Associates**  
PROFESSIONAL SURVEYORS & MAPPERS

LB NO. 3731  
3830 CROWN POINT ROAD  
JACKSONVILLE, FLORIDA 32257  
(904) 286-2703  
WWW.CLARYASSOC.COM

Exhibit "C"  
to the Resolution

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR ST.  
JOHNS COUNTY, FLORIDA

CASE NO. CA10-1077

DIVISION: 55

ST. JOHNS COUNTY, municipal  
corporation of the State of Florida,

Petitioner,

v.

CR210 ASSOCIATES, LLC, a Florida  
limited liability company, etc., et al.,

Defendants.

---

SETTLEMENT AGREEMENT  
(Parcels 103/803/703A & B)

Petitioner St. Johns County and defendants Tom's Chevron, Inc., The Pantry,  
Inc. and Raja Properties, Inc. agree as follows:

1. The County shall pay Tom's Chevron and its attorneys and experts a total of \$225,000.00 (less the County's prior \$145,750.00 good faith deposit) for all compensation, damages, fees, costs and interest arising out of the project, including Parcels 103, 703A & B and 803, which sum is inclusive of any and all attorneys' fees for monetary and any non-monetary benefits achieved, any attorneys' fees relating to apportionment, and any other fees, costs, expert fees or other sums.

2. A total of \$9,100.00 of the foregoing \$225,000.00 shall be apportioned to Pantry in satisfaction of any and all claims in this action relating to the Tom's Chevron property, exclusive of fees and costs as stated in paragraph 3 below. Raja waives any and all claims for compensation, damages or other sums, exclusive of fees



and costs as stated in paragraph 4 below; provided, however, that Raja does not waive any future claim against the County for damages (if any) resulting from any failure by the County to construct its planned improvements within Parcels 103, 703A & B and 803 in substantial compliance with the County's construction plans, relevant excerpts of which are attached as Exhibit A. There shall be no apportionment or other supplemental proceedings by or between the defendants. The County shall pay no other sums in relation to Parcels 103, 703A & B and 803 except as provided in paragraphs 1, 2, 3 and 4 of this agreement.

3. The County shall pay Pantry's attorneys the additional sum of \$5,500.00 in satisfaction of any and all claims for attorneys' fees and costs. The Stipulated Final Judgment entered pursuant to this agreement shall provide that any nonconformities in landscaping, signage, setbacks or other zoning or building requirements on the subject property resulting from the taking are "grandfathered in" by virtue of the "Special Treatment of Nonconformities" regulation of the County's Land Development Code. The County shall relocate or replace the backflow preventers, irrigation system and other improvements within Parcel 103 as provided in the construction plans attached as Exhibit B.

4. The County shall pay Raja's attorneys the additional sum of \$4,337.00 in satisfaction of any and all claims for attorneys' fees and costs and pay Raja's experts the additional sum of \$2,562.50 in satisfaction of any and all claims for expert fees and costs.

5. All of the foregoing sums are subject to all claims, liens or encumbrances of record, if any.

6. The stipulated final judgment entered pursuant to this settlement shall provide that the existing Temporary Construction Easements on Parcels 703A and 703B are suspended as of the date of the judgment and without further order of the Court shall be reinstated for the period May 1, 2012 through May 1, 2015 and limited in scope to work for harmonizing and transition between the new roadway and the remainder property and relocation of improvements within those parcels.

7. This settlement is subject to approval by the Board of County Commissioners of St. Johns County.

8. This agreement may be signed in counterparts, which together shall constitute one agreement.

**Petitioner**

ST. JOHNS COUNTY

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Joel Settembrini, Jr., Esq.  
Attorney for Petitioner

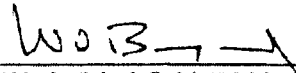
**Defendants**

TOM'S CHEVRON, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Robert S. Yerkes, Esq.  
Attorney for Tom's Chevron, Inc.

**Mediator**

  
\_\_\_\_\_  
W. O. Birchfield (3979R)

6. The stipulated final judgment entered pursuant to this settlement shall provide that the existing Temporary Construction Easements on Parcels 703A and 703B are suspended as of the date of the judgment and without further order of the Court shall be reinstated for the period May 1, 2012 through May 1, 2015 and limited in scope to work for harmonizing and transition between the new roadway and the remainder property and relocation of improvements within those parcels.

7. This settlement is subject to approval by the Board of County Commissioners of St. Johns County.

8. This agreement may be signed in counterparts, which together shall constitute one agreement.

**Petitioner**

ST. JOHNS COUNTY

By: May A. Blunt  
Its: Land Management Dir.

**Mediator**

\_\_\_\_\_  
W. O. Birchfield (3979R)

Joel S. Settembrini, Jr.  
Joel Settembrini, Jr., Esq.  
Attorney for Petitioner

**Defendants**

TOM'S CHEVRON, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Robert S. Yerkes, Esq.  
Attorney for Tom's Chevron, Inc.

6. The stipulated final judgment entered pursuant to this settlement shall provide that the existing Temporary Construction Easements on Parcels 703A and 703B are suspended as of the date of the judgment and without further order of the Court shall be reinstated for the period May 1, 2012 through May 1, 2015 and limited in scope to work for harmonizing and transition between the new roadway and the remainder property and relocation of improvements within those parcels.

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8. This agreement may be signed in counterparts, which together shall constitute one agreement.

**Petitioner**  
ST. JOHNS COUNTY

**Mediator**

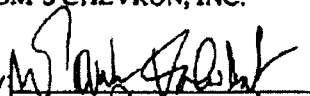
By: \_\_\_\_\_  
Its: \_\_\_\_\_

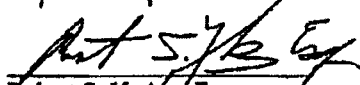
W. O. Birchfield (3979R)

\_\_\_\_\_  
Joel Settembrini, Jr., Esq.  
Attorney for Petitioner


**Defendants**


TOM'S CHEVRON, INC.

By:   
Its: President.

  
Robert S. Yerkey, Esq.  
Attorney for Tom's Chevron, Inc.

THE PANTRY, INC.

By:   
Its: Mark M. Arnold

  
Mark M. Arnold, Esq.  
Attorney for Defendant

RAJA PROPERTIES, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
D. Mark Natirboff, Esq.  
Attorney for Defendant

THE PANTRY, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Mark M. Arnold, Esq.  
Attorney for Defendant

RAJA PROPERTIES, INC.

By: Am D. Patel  
Its: President

D. M. Natirboff  
D. Mark Natirboff, Esq.  
Attorney for Defendant

Exhibit "A" to the Settlement Agreement

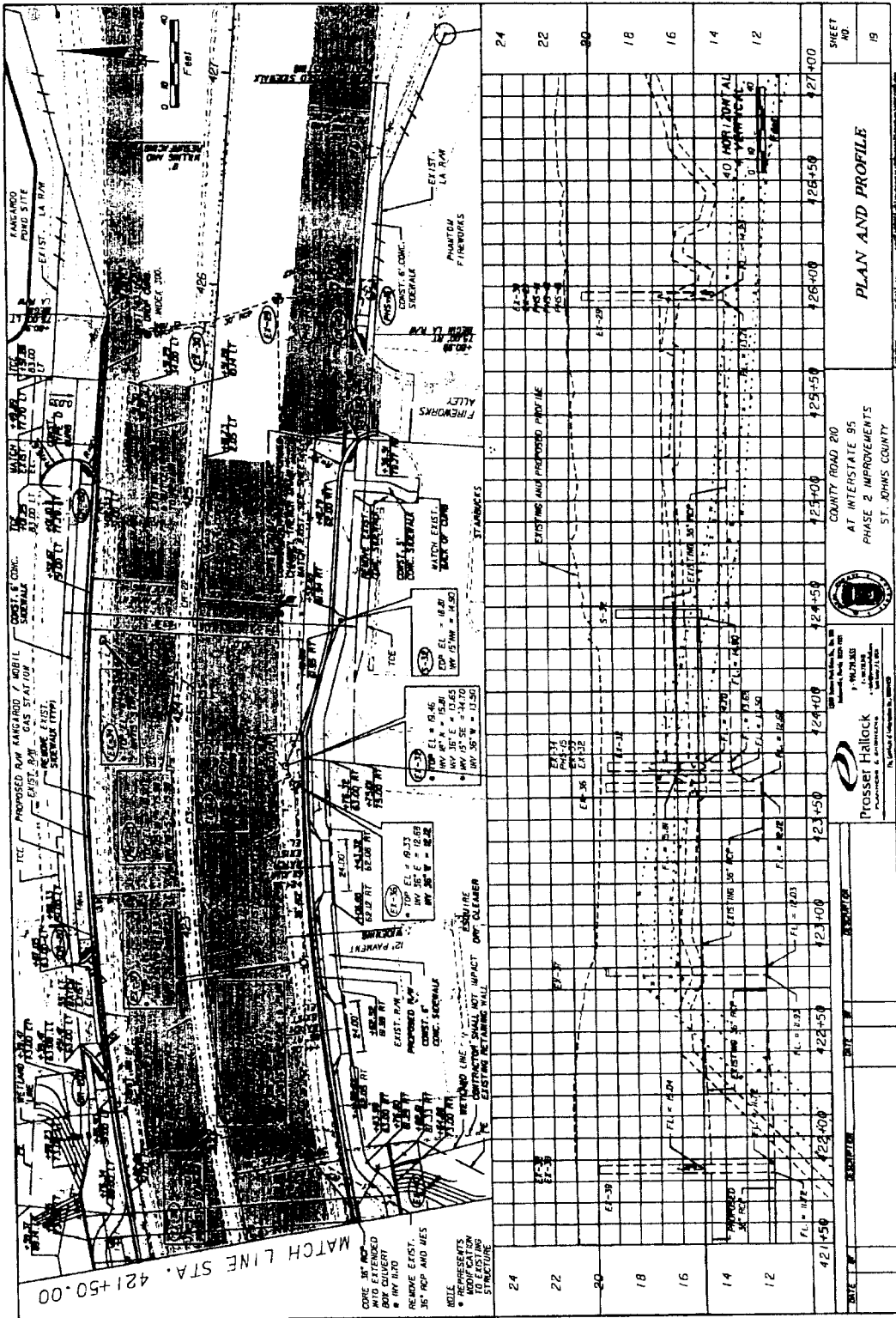
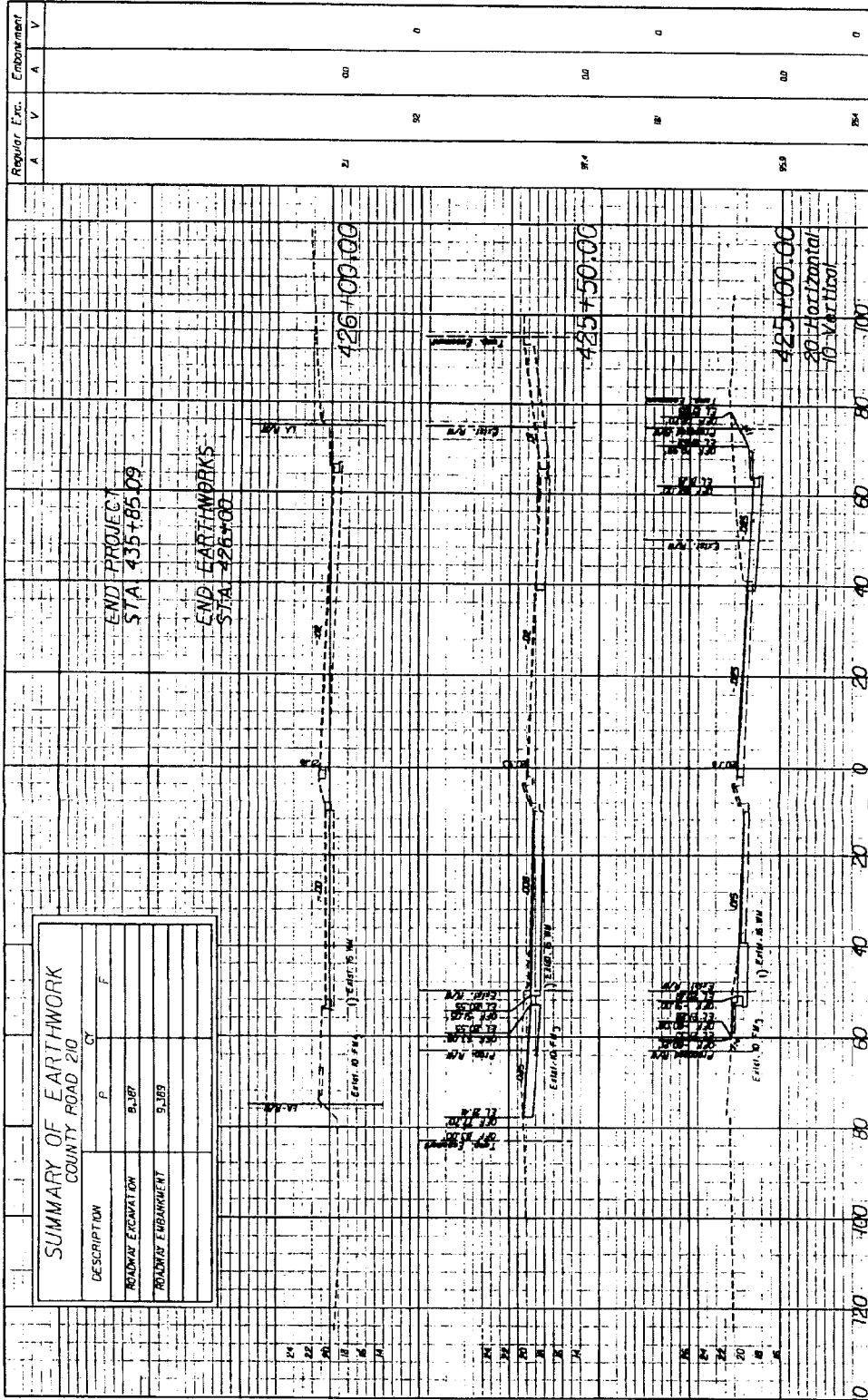


EXHIBIT A

SUMMARY OF EARTHWORK COUNTY ROAD 210	
DESCRIPTION	QTY
ROADWAY EXCAVATION	9,187
ROADWAY EMBANKMENT	9,399

END PROJECT  
STA. 435+85.09

END EARTHWORKS  
STA. 426+00.00



Regular Exc.		Embankment	
A	V	A	V

2	00	0	0
2	00	0	0
2	00	0	0
2	00	0	0
2	00	0	0

DATE	REVISIONS	DATE	REVISIONS
Prosser Hallock ENGINEERS & ARCHITECTS 1001 E. Main Street St. Louis, MO 63102		COUNTY ROAD 210 AT INTERSTATE 95 PHASE 2 IMPROVEMENTS ST. JOHNS COUNTY	
		CROSS SECTIONS COUNTY ROAD 210	
SHEET NO. 47			





Exhibit "B" to the Settlement Agreement

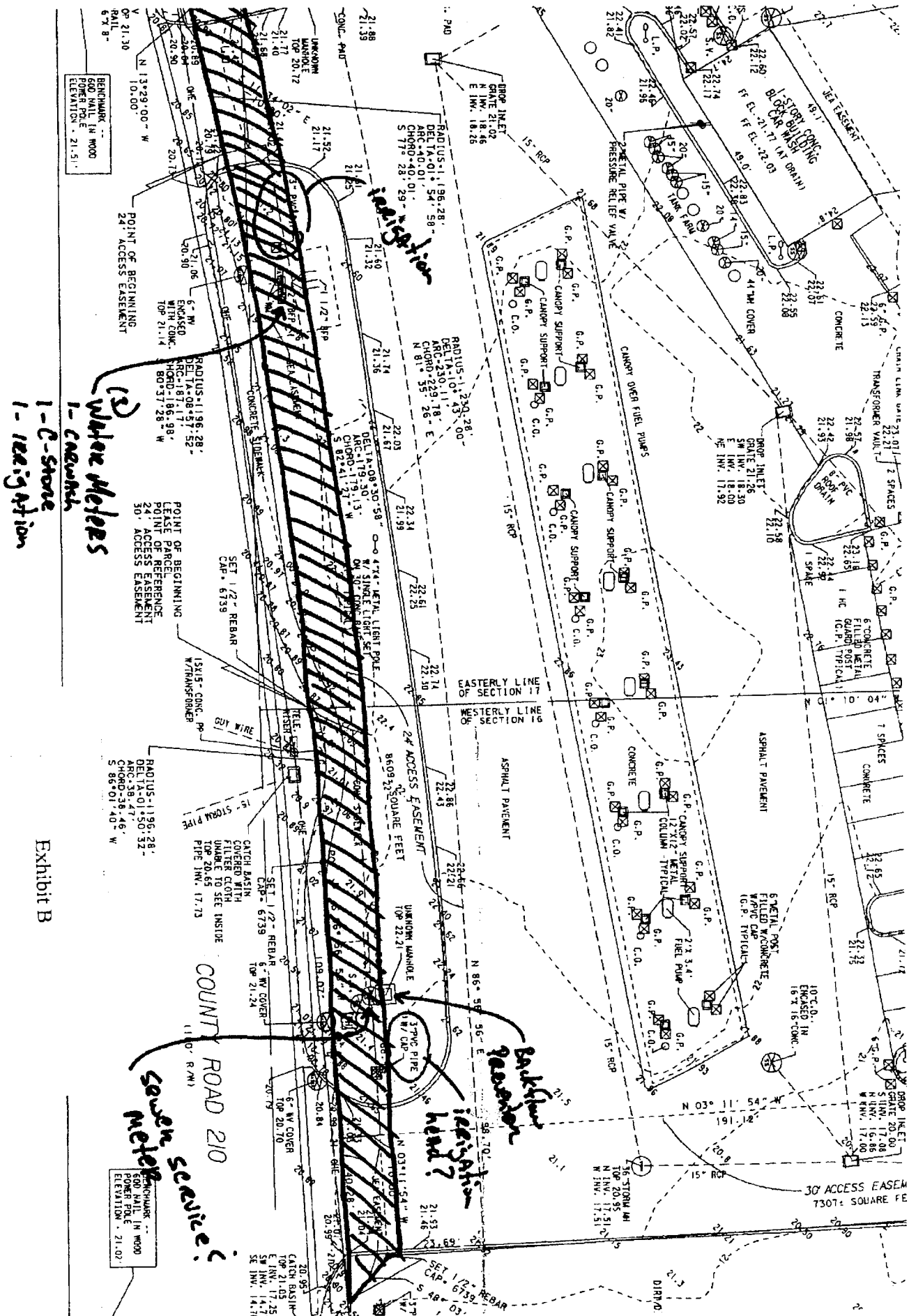
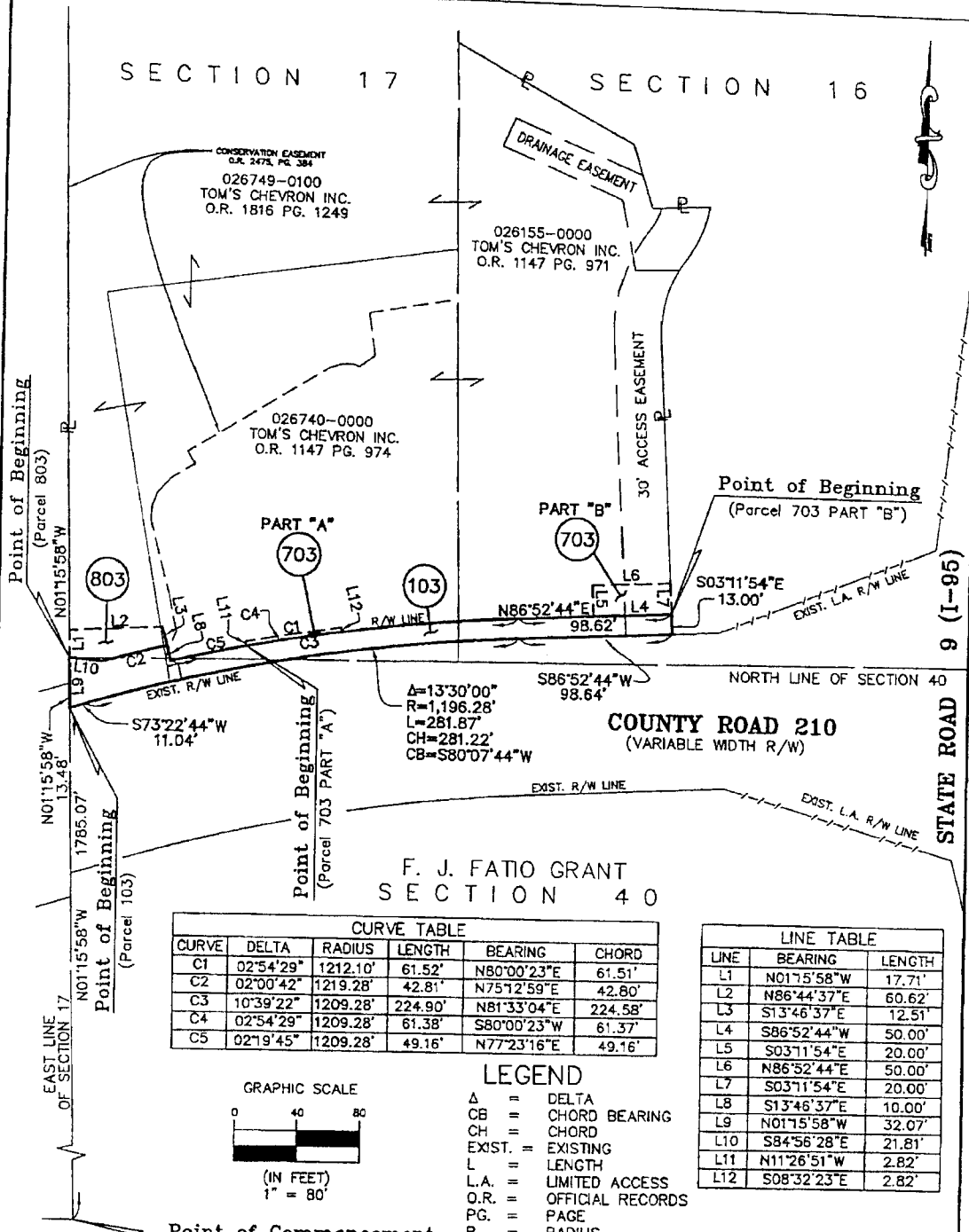


Exhibit B

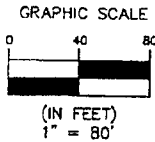
# SKETCH AND LEGAL DESCRIPTION OF

A PART OF SECTIONS 16, 17 AND THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5, SOUTH, RANGE 28 EAST  
ST. JOHNS COUNTY, FLORIDA



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	02°54'29"	1212.10'	61.52'	N80°00'23"E	61.51'
C2	02°00'42"	1219.28'	42.81'	N75°12'59"E	42.80'
C3	10°39'22"	1209.28'	224.90'	N81°33'04"E	224.58'
C4	02°54'29"	1209.28'	61.38'	S80°00'23"W	61.37'
C5	02°19'45"	1209.28'	49.16'	N77°23'16"E	49.16'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N01°15'58"W	17.71'
L2	N86°44'37"E	60.62'
L3	S13°46'37"E	12.51'
L4	S86°52'44"W	50.00'
L5	S03°11'54"E	20.00'
L6	N86°52'44"E	50.00'
L7	S03°11'54"E	20.00'
L8	S13°46'37"E	10.00'
L9	N01°15'58"W	32.07'
L10	S84°56'28"E	21.81'
L11	N11°26'51"W	2.82'
L12	S08°32'23"E	2.82'



- LEGEND**
- Δ = DELTA
  - CB = CHORD BEARING
  - CH = CHORD
  - EXIST. = EXISTING
  - L = LENGTH
  - L.A. = LIMITED ACCESS
  - O.R. = OFFICIAL RECORDS
  - PG. = PAGE
  - R = RADIUS
  - R/W = RIGHT OF WAY

**Point of Commencement**  
SOUTHEAST CORNER  
OF SECTION 17

**GENERAL NOTES**

- BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA AS N 01°15'58" W. (STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NAD 1983 1990 NGS ADJUSTMENT.)
- THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. ITS SOLE PURPOSE IS TO GRAPHICALLY ILLUSTRATE THE ATTACHED DESCRIPTIONS.

NO.	DATE	DESCRIPTION	BY
4	04-30-10	RENAME 703C TO 703A, ADD 803	JES
3	04-14-10	REVISE PARCEL 703A	JES
2	02-01-10	REVISE PARCELS 103 & 703A, ADD PARCEL 703C	JES
1	11-24-09	ADD PARCEL 703 & SHEET 2	JES

JOB NO. 2008-811-8  
 DRAFTER JES  
 P.C. N/A  
 F.B. N/A PG. N/A  
 SCALE 1"=80'  
 DATE APRIL 30, 2010  
 CHECKED BY:

THIS MAP OR SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, IN CHAPTER 61G17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

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*Dennis E. Elswick*  
 DENNIS E. ELSWICK, P.L.S. CERT. NO. 3190

**Clary & Associates**  
 PROFESSIONAL SURVEYORS & MAPPERS  
 LB NO. 3731  
 3830 CROWN POINT ROAD  
 JACKSONVILLE, FLORIDA 32257  
 (904) 250-2703  
 WWW.CLARYASSOC.COM

# SKETCH AND LEGAL DESCRIPTION OF

A PART OF SECTIONS 16, 17 AND THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5, SOUTH, RANGE 28 EAST  
ST. JOHNS COUNTY, FLORIDA

PARCEL 103 (FEE SIMPLE RIGHT OF WAY)

A PART OF SECTIONS 16, 17 AND THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, (ALSO BEING A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 1816, PAGE 1249, AND OFFICIAL RECORDS VOLUME 1147, PAGE 974, AND OFFICIAL RECORDS VOLUME 1147, PAGE 971 FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 01°15'58" WEST, ALONG THE EASTERLY LINE OF SAID SECTION 17, A DISTANCE OF 1,785.07 FEET TO THE NORTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°15'58" WEST, ALONG SAID EASTERLY LINE OF SECTION 17 AND A PROLONGATION THEREOF, A DISTANCE OF 32.07 FEET; THENCE SOUTH 84°56'28" EAST, A DISTANCE OF 21.81 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,219.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 02°00'42", AN ARC DISTANCE OF 42.81 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 75°12'59" EAST, 42.80 FEET; THENCE SOUTH 13°46'37" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,209.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 10°39'22", AN ARC DISTANCE OF 224.90 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 81°33'04" EAST, 224.58 FEET TO A POINT OF TANGENCY; THENCE NORTH 86°52'44" EAST, A DISTANCE OF 98.62 FEET; THENCE SOUTH 03°11'54" EAST, A DISTANCE OF 13.00 FEET TO THE SAID NORTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 THE FOLLOWING THREE COURSES AND DISTANCES: (1) THENCE SOUTH 86°52'44" WEST, 98.64 FEET TO A POINT OF CURVATURE; (2) THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,196.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 13°30'00", AN ARC DISTANCE OF 281.87 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 80°07'44" WEST, 281.22 FEET TO A POINT OF TANGENCY; (3) THENCE SOUTH 73°22'44" WEST, 11.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,839 SQUARE FEET, MORE OR LESS.

PARCEL 703 PART "A" (TEMPORARY CONSTRUCTION EASEMENT)

A PART OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, (ALSO BEING A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 1147, PAGE 974 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 01°15'58" WEST, ALONG THE EASTERLY LINE OF SAID SECTION 17, A DISTANCE OF 1,785.07 FEET TO THE NORTHERLY EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 210 (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED); THENCE CONTINUE NORTH 01°15'58" WEST, ALONG SAID EASTERLY LINE OF SECTION 17 AND A PROLONGATION THEREOF, A DISTANCE OF 32.07 FEET; THENCE SOUTH 84°56'28" EAST, A DISTANCE OF 21.81 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,219.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 02°00'42", AN ARC DISTANCE OF 42.81 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 75°12'59" EAST, 42.80 FEET; THENCE SOUTH 13°46'37" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,209.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 02°19'45", AN ARC DISTANCE OF 49.16 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 77°23'16" EAST, 49.16 FEET TO THE POINT OF BEGINNING; THENCE NORTH 11°26'51" WEST, A DISTANCE OF 2.82 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,212.10 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 02°54'29", AN ARC DISTANCE OF 61.52 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 80°00'23" EAST, 61.51 FEET; THENCE SOUTH 08°32'23" EAST, A DISTANCE OF 2.82 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,209.28 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 02°54'29", AN ARC DISTANCE OF 61.38 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 80°00'23" WEST, 61.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 173 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 3

NO.	DATE	DESCRIPTION	BY
4	04-30-10	RENAME 703C TO 703A, ADD 803	JES
3	04-14-10	REVISE PARCEL 703A	JES
2	02-01-10	REVISE PARCEL 103 & 703A, ADD PARCEL 703C	JES
1	11-24-09	ADD PARCEL 703 & SHEET 2	JES

JOB NO. 2008-811-8

DRAFTER JES

P.C. N/A

F.B. N/A PG. N/A

SCALE 1"=80'

DATE APRIL 30, 2010

CHECKED BY:

THIS MAP OR SURVEY MEETS THE MGNMNU TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

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*Dennis E. Elswick*  
DENNIS E. ELSWICK, P.L.S. CERT. NO. 3190



# SKETCH AND LEGAL DESCRIPTION OF

A PART OF SECTIONS 16, 17 AND THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5, SOUTH, RANGE 28 EAST  
ST. JOHNS COUNTY, FLORIDA

**PARCEL 703 PART "B" (TEMPORARY CONSTRUCTION EASEMENT)**

A PART OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, (ALSO BEING A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 1147, PAGE 971 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 1,000 SQUARE FEET, MORE OR LESS.

**PARCEL 803 (PERPETUAL EASEMENT)**

A PART OF SECTION 17 AND THE F.J. FATIO GRANT, SECTION 40, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, (ALSO BEING A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 1816, PAGE 1249, AND OFFICIAL RECORDS VOLUME 1147, PAGE 974 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 1,087 SQUARE FEET, MORE OR LESS.

SHEET 3 OF 3

4	04-30-10	RENAME 703C TO 703A, ADD 803	JES
3	04-14-10	REVISE PARCEL 703A	JES
2	02-01-10	REVISE PARCEL 703 & 703A, ADD PARCEL 703C	JES
1	11-24-09	ADD PARCEL 703 & SHEET 2	JES
NO.	DATE	DESCRIPTION	BY

JOB NO. 2008-811-B

DRAFTER JES

P.C. N/A

F.B. N/A PG. N/A

SCALE 1"=80'

DATE APRIL 30, 2010

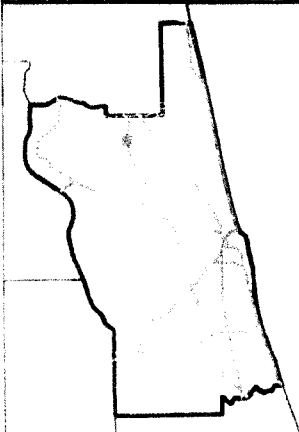
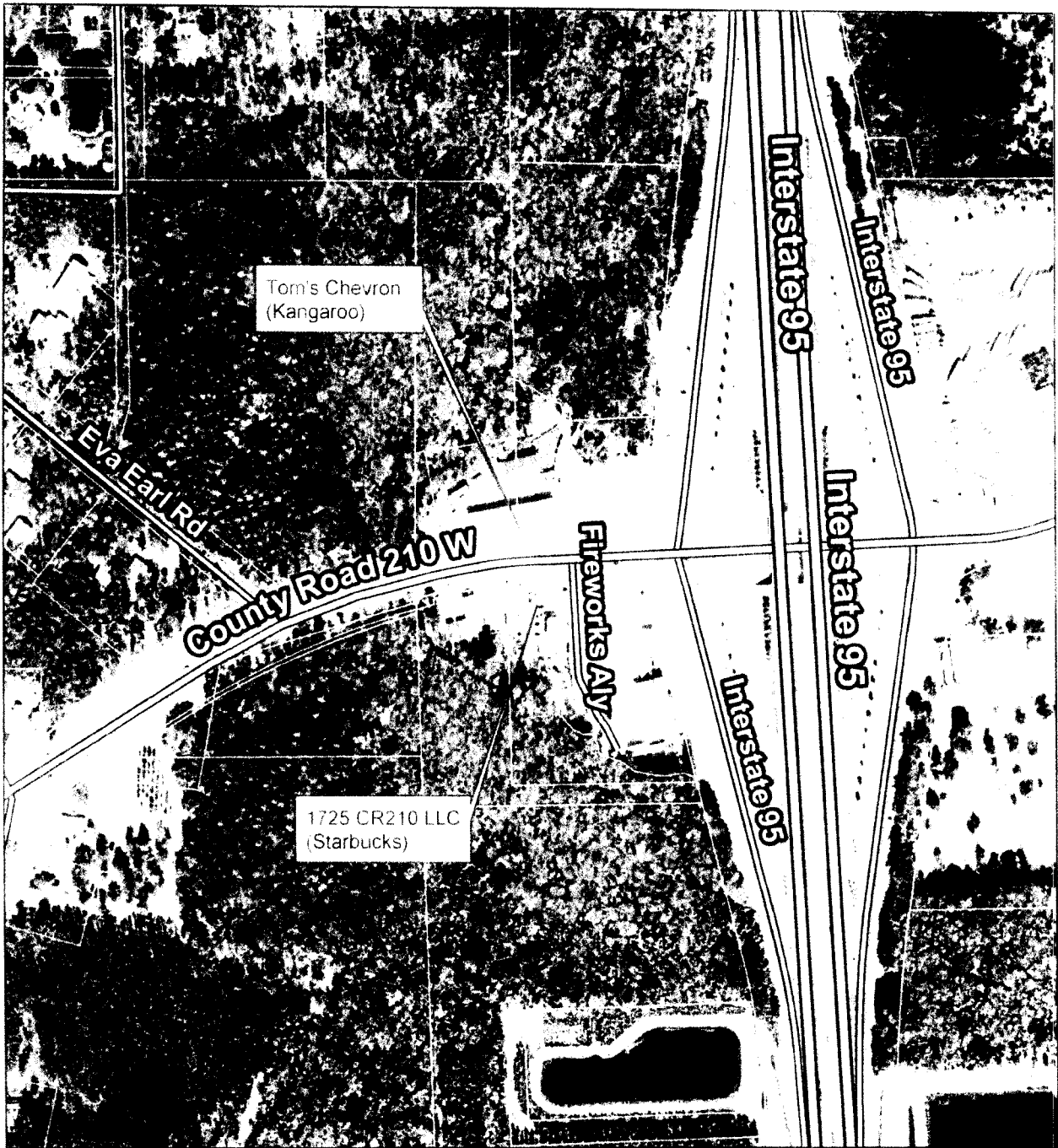
CHECKED BY:

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DENNIS E. ELSWICK, P.L.S. CERT. NO. 3190





**CR 210 Associates, LLC  
and Tom's Chevron parcels  
CR 210 @ I-95  
Road Improvement Project**



**2008 Aerial Imagery**

St Johns County  
Land Mgmt Systems  
Real Estate Division



Prepared by:  
Cecelia Aldrich  
March 14, 2011  
(904) 209-0786

**DISCLAIMER**  
This map is for reference use  
only. Data provided are derived  
from multiple sources with  
varying levels of accuracy.