



# MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

<b>SUBJECT</b>	9th Street East and 53rd Avenue East (SR 70) Winn Dixie Marketplace, PDC-96-04, R/W Dedication	<b>TYPE AGENDA ITEM</b>	Consent
<b>DATE REQUESTED</b>	December 1, 1998	<b>DATE SUBMITTED/REVISED</b>	November 16, 1998
<b>BRIEFINGS?/WHO?</b>	N/A	<b>CONSEQUENCES IF DEFERRED</b>	N/A
<b>DEPARTMENT/DIVISION</b>	Transportation/Land Acquisition	<b>AUTHORIZED BY TITLE</b>	Larry R. Mau, P.E. Transportation Director 
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Jim Staples 5007	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Jim Staples, Land Acquisition Manager 5007 

### ADMINISTRATIVE APPROVAL



### ACTION DESIRED

INDICATE WHETHER "REPORT or "DISCUSSION, "FORM OF MOTION, or "OTHER ACTION REQUIRED:

Acceptance of, authorization to record, Warranty Deed from WDO Venture, Limited Partnership, for dedication of additional rights-of way required by the Final Site Plan for the Winn Dixie Marketplace at 53rd Avenue East (SR 70) and 9th Street East.

Authorization to record an Affidavit of Ownership and Encumbrances from Richard L. Trzcinski, General Partner of WDO Venture, Limited Partnership.

Acceptance of, authorization to record, Partial Release from SouthTrust Bank, National Association.

### ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Comp Plan -	Goal 5.1 addresses the safety and efficiency of forecasted vehicular travel demands
Land Development Code -	Section 722.1.2 through 722.1.3.2 Standard and Design Criteria, and Section 909.1 Dedication

### BACKGROUND/DISCUSSION

- The Final Site Plan for the Winn Dixie Marketplace in Oneco was approved on March 27, 1998.
- Dedication of additional rights-of-way of varying widths sufficient to create uniform 45-foot rights-of-way (as measured from the center line) on both 9th Street East and 53rd Avenue East (SR 70) were required as a condition of the Final Site Plan.
- The conveyance documents are hereby presented for acceptance and recording.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (if "NO," proceed to 1) below; and if "YES," proceed to 2) below) No

1) IF "NO" TO ABOVE,  
A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.:

Procedure previously approved by the County Attorney's Office


B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE N/A

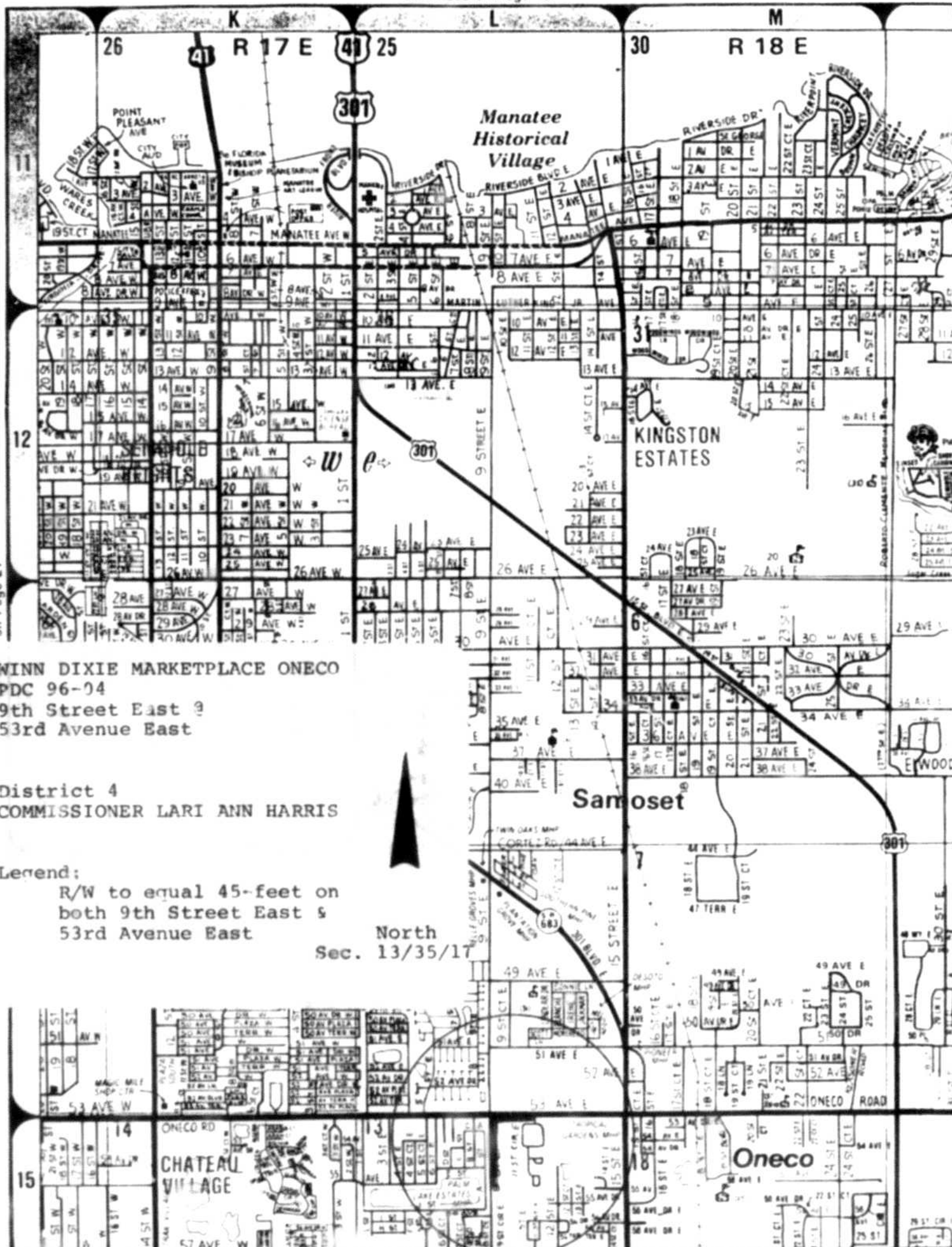
2) IF "YES" TO FIRST QUESTION IN THIS SECTION,

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (if comments were verbal, so indicate.)

**APPROVED IN OPEN SESSION**  
**DEC 01 1998**  
**BOARD OF COUNTY COMMISSIONERS**  
**MANATEE COUNTY, FLORIDA**

<b>ATTACHMENTS:</b> (List in order as attached) 1) Warranty Deed 2) Affidavit 3) Partial Release 4) Florida Revenue Form 5) Location Map	<b>INSTRUCTIONS TO BOARD RECORDS:</b> Return accepted and recorded copies to Land Acquisition, Transportation Department CCC Charge Account #AR300005 Transportation 
<b>COST</b> \$45 Recording Fee	<b>SOURCE (ACCT# &amp; NAME)</b> 101-0011800-552000 Land Acquisition Core Funds
<b>COMMENTS</b> N/A	<b>AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)</b> N/A



on Page 21

Continued on Page 23

WINN DIXIE MARKETPLACE ONECO  
 PDC 96-04  
 9th Street East @  
 53rd Avenue East

District 4  
 COMMISSIONER LARI ANN HARRIS

Legend:  
 R/W to equal 45-feet on  
 both 9th Street East &  
 53rd Avenue East

North  
 Sec. 13/35/17

This instrument prepared by  
Jim Staples, Manager, Land Acquisition  
Transportation Department  
P.O. Box 1000  
Bradenton, Florida 34206

BK 1576 PG 2945 DKT# 1184812 1 of 3

WINN DIXIE MARKETPLACE  
PDC-96-04  
ID # 57415 0000/2 & 57415 0005/1

SPACE ABOVE THIS LINE FOR RECORDING DATA

**AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

*BEFORE ME*, the undersigned authority, this day personally appeared Richard L. Trzcinski as general partner, on behalf of **WDO VENTURE**, Limited Partnership, a Florida limited partnership, whose mailing address is 9261 Lazy Lane, Tampa, Florida 33614, who being first duly sworn, deposes and says:

1. That the undersigned, hereinafter called the Grantor, is the owner of and has full authority to sell or encumber the following described property, (hereinafter "Property").

**See legal description identified as Exhibit "A" attached hereto**

2. That the Owner plans to convey the Property to the **COUNTY OF MANATEE, FLORIDA**, (hereinafter "Grantee").

3. To the best of my knowledge the only mortgages, liens, encumbrances, including but not limited to any leasehold interest or potential claims against the Property are:

**Mortgage held by SouthTrust Bank, National Association, dated June 27, 1997 and recorded in Official Records Book 1522, page 6489; modified by Modification of Mortgage, Assignment of Lease and Rents and Security Agreement dated August 13, 1997 and recorded in Official Records Book 1530, page 6131; Cross Default Agreement dated April 6, 1998 and recorded in Official Records Book 1550, page 2430; all of the public records of Manatee County, Florida.**

4. That there has been no labor, material, or service furnished for improvement of the Property, which remains unpaid, except as set forth in paragraph 3 of this affidavit.

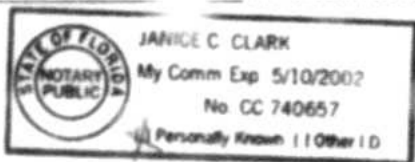
5. That there are no claims, demands, liens or judgments outstanding against the above described property and the Grantor is not indebted to anyone for any such Property, except as set forth in paragraph 3 of this affidavit.

6. That the Grantor makes this affidavit for the purpose of inducing the Grantee to purchase the above described property.

**WDO VENTURE, Limited Partnership,**  
a Florida ~~limited~~ partnership (TS)  
By: **Primerica Developments, Inc.** (TS)  
as sole General Partner  
BY: Richard L. Trzcinski Its President (TS)  
General Partner  
RICHARD L. TRZCINSKI  
Printed Name

ACCEPTED IN OPEN SESSION 12/1/98  
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

**SWORN** to and subscribed before me this 1st day of October, 1998 by RICHARD L. TRZCINSKI as general partner, on behalf of **WDO VENTURE**, Limited Partnership, a Florida limited partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

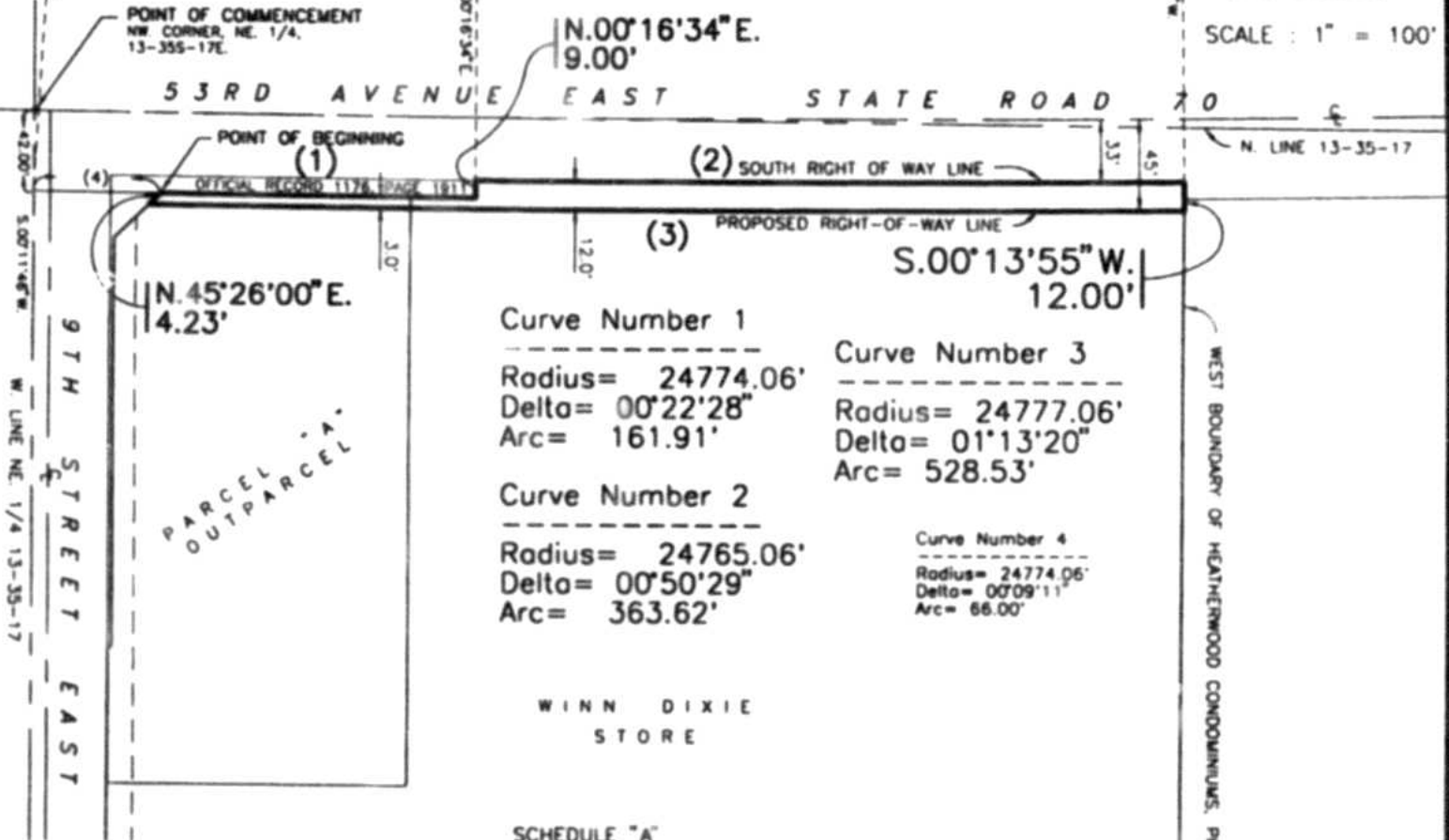


Janice C. Clark  
NOTARY PUBLIC Signature  
JANICE C. CLARK  
Printed Name

**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION**  
 NOT A SURVEY



SCALE : 1" = 100'



SCHEDULE "A"

A STRIP OF LAND 3.00 FEET TO 12.00 FEET IN WIDTH ADJACENT TO AND CONCENTRIC WITH THE SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°11'46"W ALONG THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 42.00 FEET TO A POINT ON THE ARC OF A CURVE OF THE EXTENDED SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) TO THE LEFT WHOSE RADIUS POINT LIES N.00°48'11"E. A DISTANCE OF 24774.06 FEET; THENCE SOUTHEASTERLY ALONG ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°09'11" FOR A DISTANCE OF 66.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND THE EAST RIGHT-OF-WAY LINE OF 9TH STREET EAST AS RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1911 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST AND THE CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°22'28" AND A RADIUS OF 24774.06 FEET; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 161.91 FEET; THENCE N.00°16'34"E. A DISTANCE OF 9.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND A POINT ON THE ARC TO THE LEFT WHOSE RADIUS POINT LIES N.00°16'34"E. A RADIAL DISTANCE OF 24765.06 FEET AND BEING 33.00 FEET SOUTHERLY OF THE CENTERLINE OF 53RD AVENUE EAST (S.R. 70); THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°50'29" FOR A DISTANCE OF 363.62 FEET TO THE INTERSECTION WITH THE EXTENDED WEST BOUNDARY LINE OF HEATHERWOOD CONDOMINIUM, PHASE 1, A CONDOMINIUM RECORDED IN CONDOMINIUM BOOK 17, PAGE 34 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.00°13'55"W ALONG THE WEST LINE OF SAID DESCRIBED CONDOMINIUM A DISTANCE OF 12.00 FEET TO A POINT ON THE ARC TO THE RIGHT WHOSE RADIUS POINT LIES N.00°33'53"W. A RADIAL DISTANCE OF 24777.06 FEET AND BEING 45.00 FEET SOUTHERLY OF THE CENTERLINE OF 53RD AVENUE EAST (S.R. 70); THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°13'20" FOR A DISTANCE OF 528.53 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST; THENCE N.45°26'00"E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 4.23 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 4853.75 SQUARE FEET, MORE OR LESS.

*Kenneth R. Palmer* 11-03-98

KENNETH R. PALMER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE No. 4661  
 FLORIDA CERTIFICATE AUTHORIZATION NUMBER LB #6694  
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ACCEPTED IN OPEN SESSION *12/1/98*  
 BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

DW 1076 PG 20/6  
 DW 1076 PG 20/6 2 OF 3



**CYRIX ENGINEERING, INC.**

Engineers & Surveyors  
 5887 Whitfield Avenue  
 Sarasota, Fla 34243



(941) 358-8812 (ph) • (941) 358-8909 (fax)

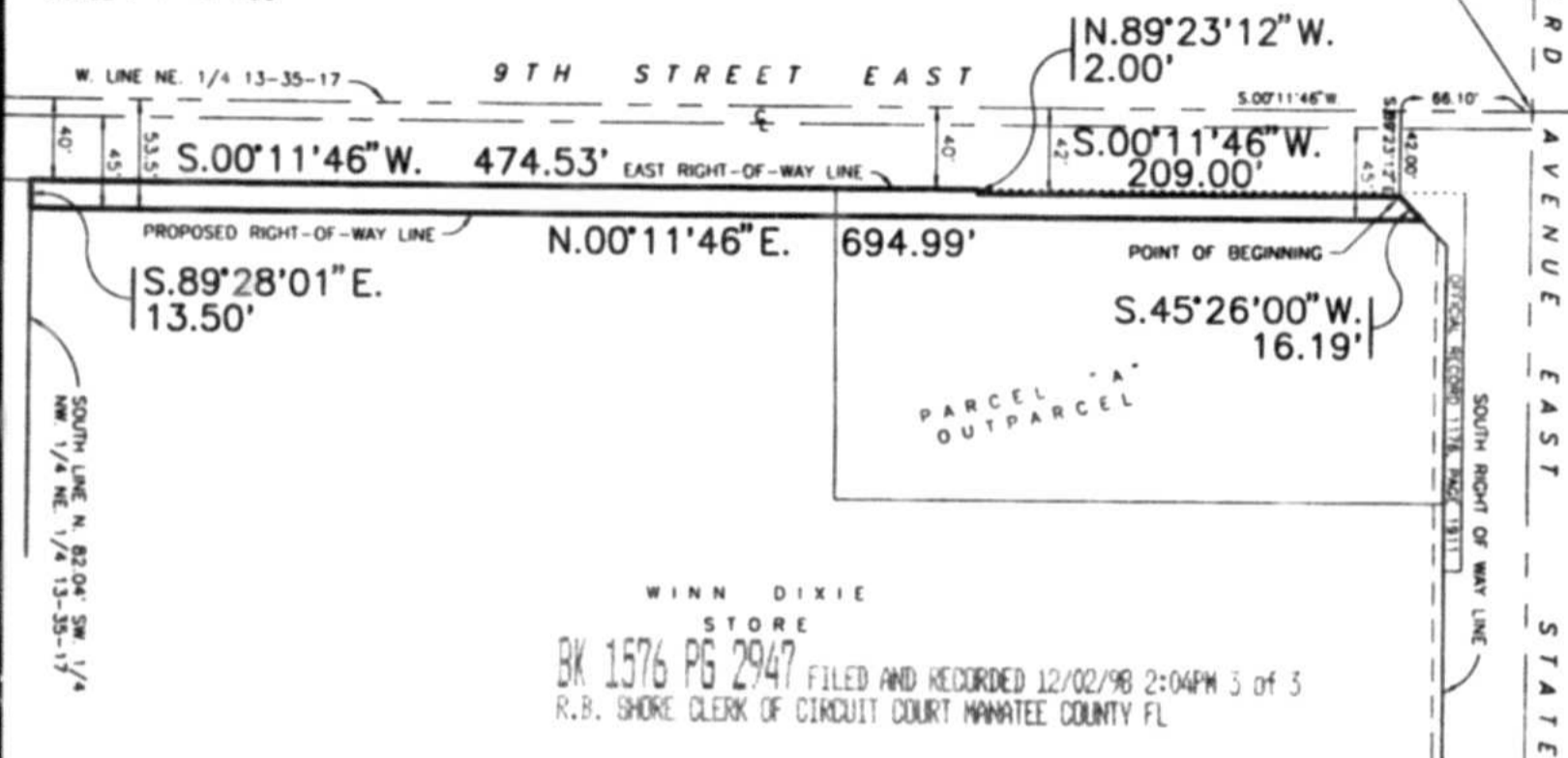
**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION**  
 NOT A SURVEY



SCALE : 1" = 100'

POINT OF COMMENCEMENT  
 NW CORNER, NE 1/4,  
 13-35-17E

53RD AVENUE EAST STATE ROAD 70



SCHEDULE "A"

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 TOGETHER WITH THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, LESS THE WESTERLY 53.50 FEET THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°11'46"W. ALONG THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 66.10 FEET, THENCE S.89°23'12"E PERPENDICULAR TO THE WEST OF SAID NORTHEAST 1/4 A DISTANCE OF 42.00 FEET TO THE INTERSECTION THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST AS RECORDED IN OFFICIALS RECORDS BOOK 1176, PAGE 1911 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; FOR A POINT OF BEGINNING, THENCE S.00°11'46"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST, BEING PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 42.00 FEET EASTERLY THEREOF A DISTANCE OF 209.00 FEET; THENCE N.89°23'12"W A DISTANCE OF 2.00 FEET TO THE EASTERLY RIGHT-OF-WAY-LINE OF 9TH STREET EAST; THENCE S.00°11'46"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST, BEING PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 40.00 FEET EASTERLY THEREOF A DISTANCE OF 474.53 FEET TO THE SOUTH LINE OF THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°28'01"E. ALONG THE SAID SOUTH LINE OF THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 13 A DISTANCE OF 13.50 FEET; THENCE N.00°11'46"E. PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 53.50 FEET EASTERLY THEREOF A DISTANCE OF 694.99 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD AVENUE EAST; THENCE S.45°26'00"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 16.19 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 8875.10 SQUARE FEET, MORE OR LESS

*Kenneth R. Palmer* 09-16-98

KENNETH R. PALMER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE No. 4661  
 FLORIDA CERTIFICATE AUTHORIZATION NUMBER LB #6694

ACCEPTED IN OPEN SESSION 12/1/98  
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JOB No 182-069-98

SHEET 2 OF 2



**CYRIX ENGINEERING, INC.**

Engineers & Surveyors  
 5887 Whitfield Avenue  
 Sarasota, Fla 34243



(941) 358-8812 (ph) • (941) 358-8909 (fax)

DRG. No. WNN-EX2.MWS

This instrument prepared by  
Jim Staples, Manager, Land Acquisition  
Transportation Department  
P.O. Box 1000  
Bradenton, Florida 34206

BK 1576 PG 2948 DKTH 1184813 1 of 3

WINN DIXIE MARKETPLACE  
PDC-96-04  
ID # 57415 0000/2 & 57415 0005/1

SPACE ABOVE THIS LINE FOR RECORDING DATA

**PARTIAL RELEASE**

**WHEREAS, SOUTHTRUST BANK, National Association** ("ENCUMBRANCER"), whose mailing address is 201 E. Kennedy, Ste 1800, Tampa FL 33602, is the holder of certain rights and interest in the real property described herein or attached hereto as Exhibit "A" (the "Property"), as well as other real property by virtue of a Mortgage, dated June 27, 1997 and recorded in Official Records Book 1522, page 6489; modified by Modification of Mortgage, Assignment of Lease and Rents and Security Agreement dated August 13, 1997 and recorded in Official Records Book 1530, page 6131; and a Cross Default Agreement dated April 6, 1998 and recorded in Official Records Book 1550, page 2430; of the Public Records of Manatee County, Florida; and

**WHEREAS, the COUNTY OF MANATEE**, a Political Subdivision of the State of Florida, with its mailing address being P.O. Box 1000, Bradenton, Florida 34206, in connection with the acquisition of the Property for a valid county and public purpose has requested the Encumbrancer to release the Property from the operation and effect of the Instrument.

**NOW, THEREFORE**, in consideration of the foregoing and other good and valuable consideration to the Encumbrancer in hand paid, the receipt of which is hereby acknowledged, the Encumbrancer does hereby release from the operation and effect of the Instrument and disclaim all right, title and interest in the following described real property located in Manatee County, Florida, to wit:

**See legal description identified as Exhibit "A" attached hereto.**

Provided this partial release shall not impair the effect of the Instrument on the remaining part of the premises referenced therein, not hereby released therefrom, or any of the rights or remedies of the Encumbrancer, or any subsequent holder or holders thereof.

**IN WITNESS WHEREOF**, the Encumbrancer has caused this Partial Release to be duly executed this the First day of October, 1998.

Signed, sealed and delivered in the presence of:

(Corporate Seal)

**SOUTHTRUST BANK, National Association**

BY: [Signature]  
President Signature Senior Vice President

Printed Name

**ATTEST:** \_\_\_\_\_  
Secretary Signature

Printed Name

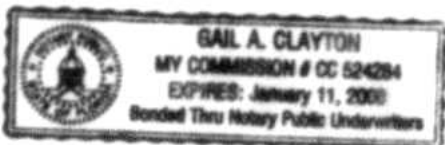
Gail A. Clayton  
Witness Signature  
GAIL A. CLAYTON  
Printed Name  
[Signature]  
Witness Signature  
APRIL A. HINES  
Printed Name

(Signature of two witnesses or secretary required by law)

STATE OF Florida  
COUNTY OF Hillsborough

ACCEPTED IN OPEN SESSION 12/1/98  
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of Oct., 1998 by Frank Bouleasa (name and title of agent) of **SOUTHTRUST BANK, National Association**, a Florida corporation, on behalf of the corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.



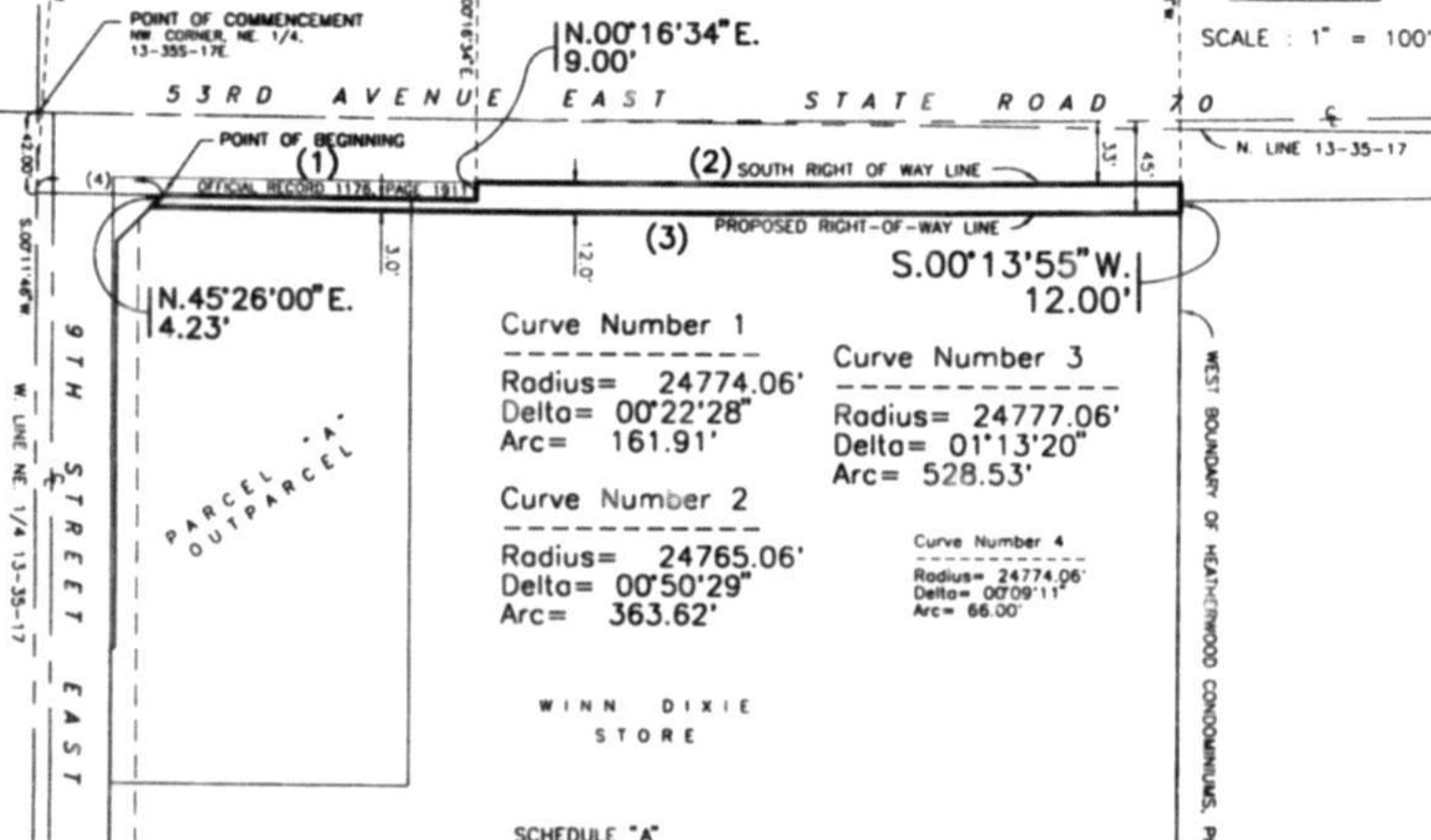
Gail A. Clayton  
NOTARY PUBLIC Signature  
GAIL A. CLAYTON  
Printed Name

# EXHIBIT "A" SKETCH AND DESCRIPTION

NOT A SURVEY



SCALE : 1" = 100'



Curve Number 1	Curve Number 3
Radius= 24774.06'	Radius= 24777.06'
Delta= 00°22'28"	Delta= 01°13'20"
Arc= 161.91'	Arc= 528.53'
Curve Number 2	Curve Number 4
Radius= 24765.06'	Radius= 24774.06'
Delta= 00°50'29"	Delta= 00°09'11"
Arc= 363.62'	Arc= 66.00'

A STRIP OF LAND 3.00 FEET TO 12.00 FEET IN WIDTH ADJACENT TO AND CONCENTRIC WITH THE SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 4853.75 SQUARE FEET, MORE OR LESS.

11-03-98  
KENNETH R. PALMER  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 4661  
FLORIDA CERTIFICATE AUTHORIZATION NUMBER LB #6694  
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ACCEPTED IN OPEN SESSION 12/1/98  
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

BK 1576 PG 2949 2 of 3



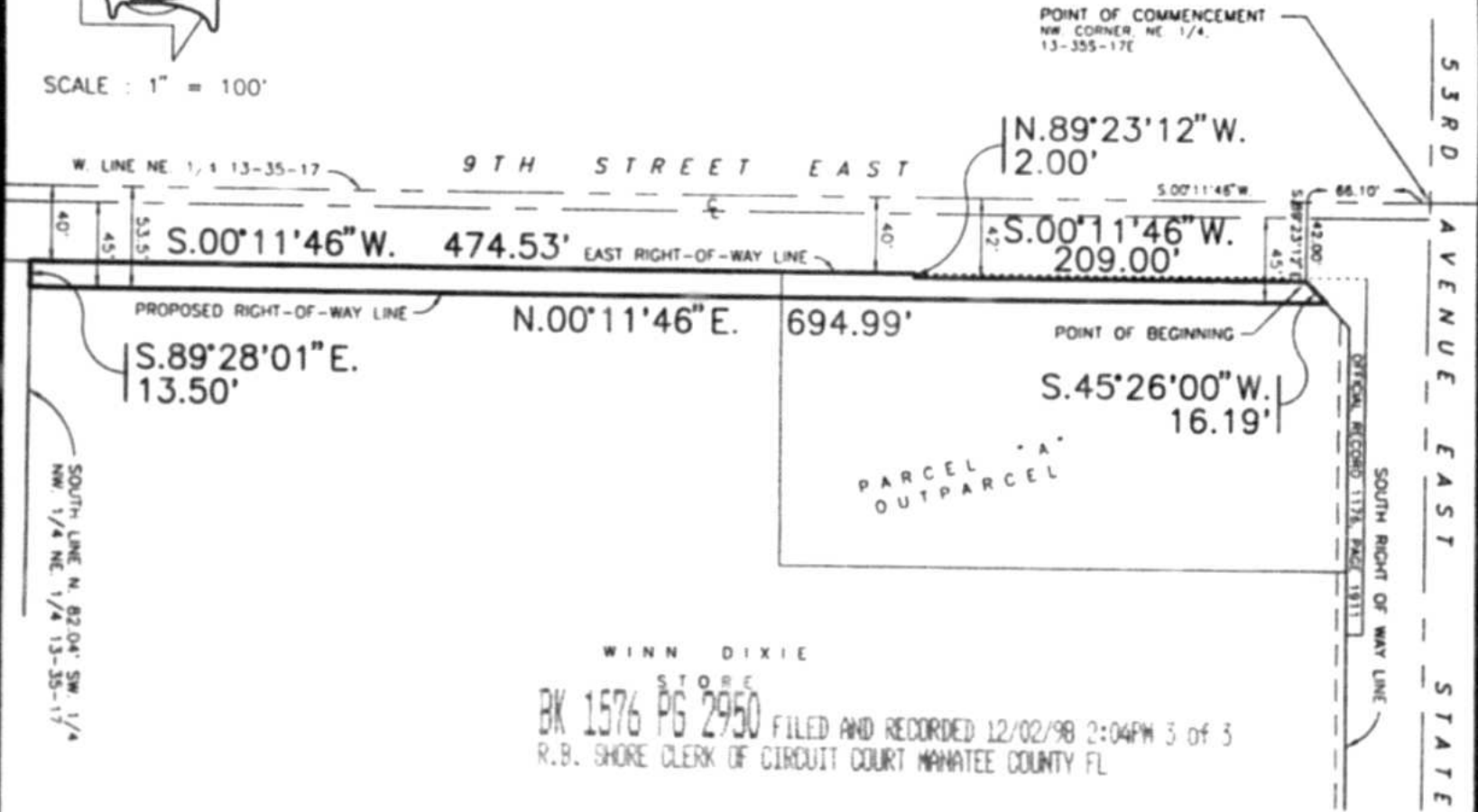
**YRIX ENGINEERING, INC.**  
Engineers & Surveyors  
5887 Whitfield Avenue  
Sarasota, Fla 34243



**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION**  
 NOT A SURVEY



SCALE : 1" = 100'



WINN DIXIE  
 STORE  
 BK 1576 PG 2950 FILED AND RECORDED 12/02/98 2:04PM 3 of 3  
 R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

SCHEDULE "A"

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 TOGETHER WITH THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, LESS THE WESTERLY 53.50 FEET THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°11'46"W. ALONG THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 66.10 FEET; THENCE S.89°23'12"E PERPENDICULAR TO THE WEST OF SAID NORTHEAST 1/4 A DISTANCE OF 42.00 FEET TO THE INTERSECTION THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST AS RECORDED IN OFFICIALS RECORDS BOOK 1176, PAGE 1911 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; FOR A POINT OF BEGINNING, THENCE S.00°11'46"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST, BEING PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 42.00 FEET EASTERLY THEREOF A DISTANCE OF 209.00 FEET; THENCE N.89°23'12"W. A DISTANCE OF 2.00 FEET TO THE EASTERLY RIGHT-OF-WAY-LINE OF 9TH STREET EAST, THENCE S.00°11'46"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST, BEING PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 40.00 FEET EASTERLY THEREOF A DISTANCE OF 474.53 FEET TO THE SOUTH LINE OF THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°28'01"E. ALONG THE SAID SOUTH LINE OF THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 13 A DISTANCE OF 13.50 FEET; THENCE N.00°11'46"E. PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 53.50 FEET EASTERLY THEREOF A DISTANCE OF 694.99 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD AVENUE EAST; THENCE S.45°26'00"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 16.19 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 8875.10 SQUARE FEET, MORE OR LESS.

*Kenneth R. Palmer* 09-16-98

KENNETH R. PALMER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE No. 4661  
 FLORIDA CERTIFICATE AUTHORIZATION NUMBER LB #6694

ACCEPTED IN OPEN SESSION 12/1/98  
 BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOB No. 182-069-98

SHEET 2 OF 2



**CYRIX ENGINEERING, INC.**

Engineers & Surveyors  
 5887 Whitfield Avenue  
 Sarasota, Fla 34243



(941) 358-8812 (ph) • (941) 358-8909 (fax)

DWG. No. WINN-EX2.MWS





IN WITNESS WHEREOF, Grantor has hereunto set hand and seal on the day and year first above written.

Signed, sealed and delivered in the presence of:

WDO VENTURE, Limited Partnership,  
A Florida partnership  
By: Primerica Developments, Inc.,  
as sole General Partner

(Signature) [Signature]  
(Print name) SAM REIBER

By: [Signature]  
Richard L. Trzcinski  
Its President

(Signature) [Signature]  
(Print name) BRENDA BURGESS

Print Name: RICHARD L. TRZCINSKI

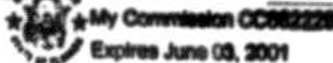
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

THE FOREGOING INSTRUMENT was acknowledged before me this 2<sup>nd</sup> day of November 1998 Richard L. Trzcinski, as President of Primerica Development, Inc., as sole General Partner of WDO Venture, Limited Partnership, a Florida limited partnership.

[Signature]  
NOTARY PUBLIC, State of Florida  
(Print name) SAM REIBER

- Personally Known
- Produced Identification

Type of Identification \_\_\_\_\_



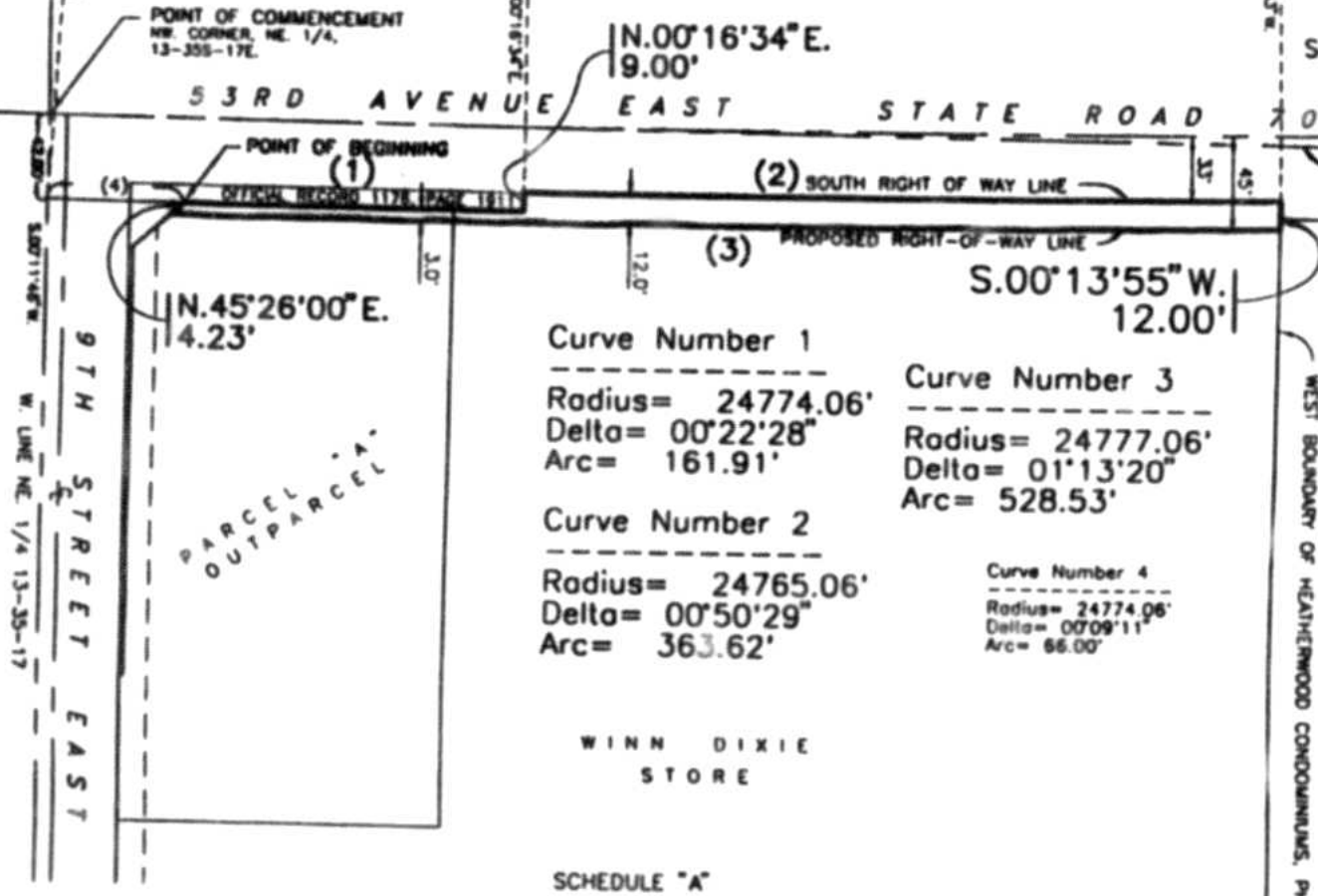
# EXHIBIT "A"

## SKETCH AND DESCRIPTION

NOT A SURVEY



SCALE : 1" = 100'




A STRIP OF LAND 3.00 FEET TO 12.00 FEET IN WIDTH ADJACENT TO AND CONCENTRIC WITH THE SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°11'46"W. ALONG THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 42.00 FEET TO A POINT ON THE ARC OF A CURVE OF THE EXTENDED SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) TO THE LEFT WHOSE RADIUS POINT LIES N.00°48'11"E. A DISTANCE OF 24774.06 FEET; THENCE SOUTHEASTERLY ALONG ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°09'11" FOR A DISTANCE OF 66.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND THE EAST RIGHT-OF-WAY LINE OF 9TH STREET EAST AS RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1911 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE EAST AND THE CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°22'28" AND A RADIUS OF 24774.06 FEET; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 161.91 FEET; THENCE N.00°16'34"E. A DISTANCE OF 9.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF 53RD AVENUE EAST (S.R. 70) AND A POINT ON THE ARC TO THE LEFT WHOSE RADIUS POINT LIES N.00°16'34"E. A RADIAL DISTANCE OF 24765.06 FEET AND BEING 33.00 FEET SOUTHERLY OF THE CENTERLINE OF 53RD AVENUE EAST (S.R. 70); THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°50'29" FOR A DISTANCE OF 363.62 FEET TO THE INTERSECTION WITH THE EXTENDED WEST BOUNDARY LINE OF HEATHERWOOD CONDOMINIUM, PHASE 1, A CONDOMINIUM RECORDED IN CONDOMINIUM BOOK 17, PAGE 34 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.00°13'55"W. ALONG THE WEST LINE OF SAID DESCRIBED CONDOMINIUM A DISTANCE OF 12.00 FEET TO A POINT ON THE ARC TO THE RIGHT WHOSE RADIUS POINT LIES N.00°33'53"W. A RADIAL DISTANCE OF 24777.06 FEET AND BEING 45.00 FEET SOUTHERLY OF THE CENTERLINE OF 53RD AVENUE EAST (S.R. 70); THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°13'20" FOR A DISTANCE OF 528.53 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST; THENCE N.45°26'00"E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 4.23 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 4853.75 SQUARE FEET, MORE OR LESS.

  
 11-03-98  
 KENNETH R. PALMER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE No. 4661  
 FLORIDA CERTIFICATE AUTHORIZATION NUMBER LB #6894

ACCEPTED IN OPEN SESSION 12/1/98  
 BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOB No. 182-069-98

SHEET 1 OF 2



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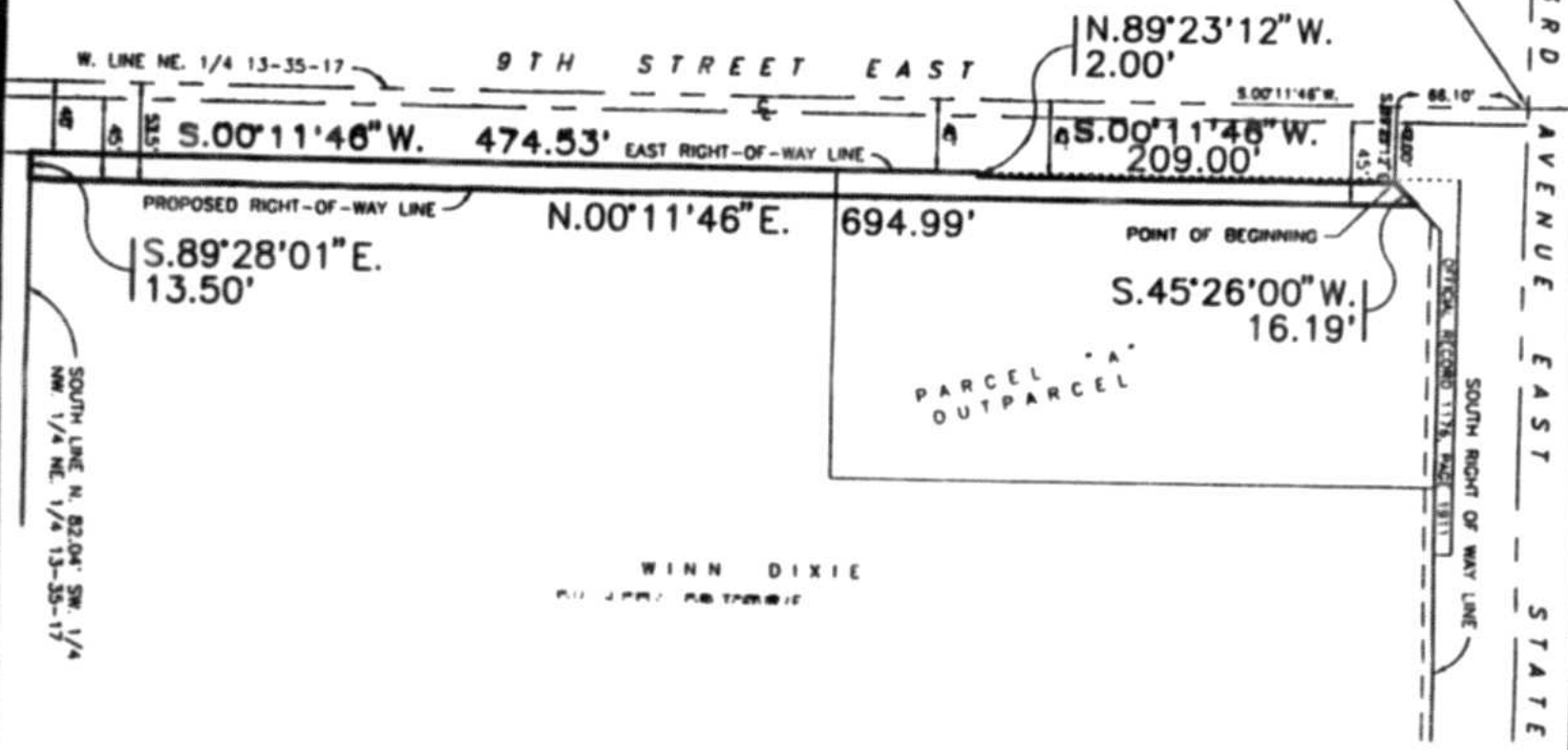
DRG. No. WINN-EX2.MWS

**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION**  
 NOT A SURVEY



SCALE : 1" = 100'

POINT OF COMMENCEMENT  
 NW CORNER, NE 1/4,  
 13-35-17E.



SOUTH LINE N. 82.04' SW. 1/4 NW. 1/4 NE. 1/4 13-35-17

WINN DIXIE  
 FULL SERVICE SUPERMARKET

SCHEDULE "A"

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 TOGETHER WITH THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, LESS THE WESTERLY 53.50 FEET THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°11'46"W ALONG THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 66.10 FEET; THENCE S.89°23'12"E PERPENDICULAR TO THE WEST OF SAID NORTHEAST 1/4 A DISTANCE OF 42.00 FEET TO THE INTERSECTION THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST AS RECORDED IN OFFICIALS RECORDS BOOK 1176, PAGE 1911 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; FOR A POINT OF BEGINNING; THENCE S.00°11'46"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST, BEING PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 42.00 FEET EASTERLY THEREOF A DISTANCE OF 209.00 FEET; THENCE N.89°23'12"W. A DISTANCE OF 2.00 FEET TO THE EASTERLY RIGHT-OF-WAY-LINE OF 9TH STREET EAST; THENCE S.00°11'46"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 9TH STREET EAST, BEING PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 40.00 FEET EASTERLY THEREOF A DISTANCE OF 474.53 FEET TO THE SOUTH LINE OF THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°28'01"E ALONG THE SAID SOUTH LINE OF THE NORTH 82.04 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 13 A DISTANCE OF 13.50 FEET; THENCE N.00°11'46"E. PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND 53.50 FEET EASTERLY THEREOF A DISTANCE OF 694.99 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD AVENUE EAST; THENCE S.45°26'00"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 16.19 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 8875.10 SQUARE FEET, MORE OR LESS

BK 1576 PG 2954 FILED AND RECORDED 12/02/98 2:04PM 4 of 4  
 R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

*Kenneth R. Palmer* 09-16-98

KENNETH R. PALMER  
 PROFESSIONAL SURVEYOR AND MAPPER  
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 FLORIDA CERTIFICATE AUTHORIZATION NUMBER LB #6694

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SHEET 2 OF 2



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