



CITY OF DAVENPORT

Gateway to the Ridge

CLERK'S CERTIFICATE

I, Raquel Castillo, the undersigned City Clerk of the City of Davenport, Florida (the "City"), DO HEREBY CERTIFY that:

(1) Attached hereto is a true and correct copy of Ordinance No. 928 adopted by the City Commission at the April 3, 2020 Regular Meeting.

(2) Said action made upon a motion by Commissioner Kneeld and a second by Vice-Mayor Summerlin and carried unanimously.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City this 13th day of April, 2019.

Raquel Castillo, City Clerk



ORDINANCE NO. 928

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA ESTABLISHING THE EAST 547 COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the “Uniform Community Development Act of 1980”, Chapter 190, *Florida Statutes* (hereinafter referred to as the “ACT”), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the ACT requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the ACT requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Davenport, Florida (“City”); and

WHEREAS, JMBI Real Estate, LLC (“Petitioner”), having obtained written consent to the establishment of the East 547 Community Development District (the “District”) by the owners of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to Chapter 190, *Florida*

Statutes (2019); and

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida and whose principal place of business is 346 East Central Avenue, Winter Haven, Florida 33880; and

WHEREAS, the Petition which was submitted to the City on or around November 22, 2019, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the ACT; and

WHEREAS, all interested persons and affected units of general-purpose local government will be or have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on April 6, 2020; and

WHEREAS, on April 6, 2020, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the ACT, and upon such review, has determined that granting the Petition to Establish the East 547 Community Development District is in the best interest of the City; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Davenport, Florida as follows:

SECTION 1. RECITALS INCORPORATED. The above recitals are true and correct and are incorporated herein.

SECTION 2. AUTHORITY. This Ordinance is enacted in compliance with and

pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes*. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. FINDINGS OF FACT. The City hereby finds and determines, pursuant to Section 190.005(2) of the ACT, based on the testimony and evidence presented before the City, and the record established at the public hearing that:

- A. All statements within the Petition are true and correct.
- B. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the state comprehensive plan, or the City of Davenport Comprehensive Plan.
- C. The area of land within the District, described in Exhibit “A”, which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- D. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District.
- E. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
- F. The area to be served by the District is amenable to separate special-district government.

SECTION 4. ESTABLISHMENT AND DISTRICT NAME. There is hereby created a community development district situated entirely within the incorporated limits of the City of Davenport, Florida, which District shall be known as the “East 547 Community Development District”, and which shall be referred to in this Ordinance as the “District”.

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit “A”, and said boundaries encompass 122 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS. The powers and functions of the District are described in Chapter 190, *Florida Statutes*. The District shall have all powers and functions granted by the ACT pursuant to Sections 190.011 and 190.012(1) and (3), *Florida Statutes*, as amended from time to time. In addition, consent is hereby given to the District’s Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses so long as same are in accordance with the Code and land development regulations of the City and approved by the City if required. Further, the District shall also have the authority to construct and to maintain a perimeter wall/fence for the District so long as the construction and specifications of the wall/fence are in accordance with the Code and land development regulations of the City and first approved by the City. The District shall have all further powers to establish additional systems and facilities as specified in the remaining subsections of Section 190.012(2), *Florida Statutes*, so long as said improvements are in accordance with the Code and land development regulations of the City and each of their specifications are first approved by the City. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land.

Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the District, the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

This Ordinance is not intended nor shall it be construed to expand, modify or delete any

provisions of the Uniform Community Development District Act of 1980, as set forth in Chapter 190, *Florida Statutes*, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Warren K. (Rennie) Heath II
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Lauren Oakley Schwenk
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Patrick Marone
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Matthew Cassidy
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Andrew Rhinehart
Address: 4901 Oak Fair Boulevard
Tampa, Florida 33610

SECTION 8. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper at least once a week for four consecutive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 9. COMPLIANCE WITH ALL REMAINING PROVISIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE PROVISIONS OF LAW. Petitioner has complied with all remaining provisions of Chapter 190, *Florida Statutes* and other provisions of law necessary for the establishment of the District.

SECTION 10. SEVERABILITY. If any section, sentence, clause or phrase of this

Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining sections of this Ordinance.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Davenport, Florida, meeting in Regular Season this 17th day of February, 2020

CITY COMMISSION
OF DAVENPORT, FLORIDA

By: H.B. Robinson III
H.B. Robinson III, Mayor

ATTEST:

By: Raquel Castillo
Raquel Castillo, City Clerk

INTRODUCED, PASSED AND DULY ADOPTED ON SECOND READING by the City Commission of the City of Davenport, Florida, meeting in Regular Season this 6th day of April, 2020

CITY COMMISSION
OF DAVENPORT, FLORIDA

By: H.B. Robinson III
H.B. Robinson, III, Mayor

ATTEST:

By: Raquel Castillo
Raquel Castillo, City Clerk

APPROVED AS TO FORM:

By: Andrew J. Hand
Andrew J. Hand, City Attorney

ORDINANCE NUMBER: 928

EXHIBIT A
LEGAL DESCRIPTION

PARCEL ONE

TRACTS 1 THROUGH 16, INCLUSIVE, ALL LYING IN THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF "FLORIDA DEVELOPMENT CO. TRACT," ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 60 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA **LESS AND EXCEPT** RIGHT-OF-WAY FOR DAVENPORT BOULEVARD/STATE ROAD 547/COUNTY ROAD547, HOLLY HILL DRIVE, WEST BOULEVARD, AND SOUTH BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE SOUTHWEST CORNER OF SAID TRACT 16, AND RUN THENCE ALONG THE WEST LINE OF SAID TRACT 16 AND SAID TRACT 1 N-00°25'34"-W, 1,247.70 FEET TO A 5/8" IRON ROD AND CAP STANDING ON THE SOUTH RIGHT-OF-WAY OF DAVENPORT BOULEVARD/STATE ROAD-547/COUNTY ROAD-547; THENCE ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES: 1) N-89°28'29"-E, 450.78 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" THENCE 2) N-00°31'31"-W, 10.00 FEET TO A 5/8" IRON ROD AND CAP "LB 8135"; THENCE 3) N-89°28'29"-E, 375.80 FEET TO A 5/8" IRON ROD AND CAP "LB 8135"; THENCE 4) N-89°24'29"-E, 424.20 FEET TO A 5/8" IRON ROD AND CAP "LB 8135"; THENCE 5) S-00°31'31"-E, 20.00 FEET TO A 5/8" IRON ROD AND CAP "LB 8135"; THENCE 6) N-89°24'29"-E, 424.73 FEET TO A 5/8" IRON ROD AND CAP "LB 8135", SAID POINT IS ALSO A POINT OF CURVE CONCAVE NORTHERLY; THENCE 7) NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 776.20 FEET, A CENTRAL ANGLE/DELTA OF 17°43'57", CHORD BEARING OF N-80°32'30"-E, A CHORD DISTANCE OF 239.27 FEET, FOR AN ARC LENGTH OF 240.23 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT ITS INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF HOLLY HILL DRIVE; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF HOLLY HILL DRIVE N-89°26'07"-E, 722.61 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY OF WEST BOULEVARD; THENCE ALONG THE WEST AND WESTERLY RIGHT-OF-WAY THEREOF THE FOLLOWING TWO (2) COURSES: 1) S-00°32'00"-E, 909.55 FEET; THENCE 2) S-34°36'19"-W, 449.21 FEET TO ITS INTERSECTION WITH THE NORTH MAINTAINED RIGHT-OF-WAY OF SOUTH BOULEVARD ACCORDING TO THE MAP BOOK 21, PAGES 55 THROUGH 60, INCLUSIVE, THE FOLLOWING NINE (9) COURSES: 1) S-88°42'31"-W, 27.01 FEET; THENCE 2) S-77°20'11"-W, 31.14 FEET; THENCE 3) S-89°39'36"-W, 1112.08 FEET; THENCE 4) N-89°21'36"-W, 130.06 FEET; THENCE 5) S-89°28'24"-W, 371.04 FEET; THENCE 6) N-89°22'41"-W, 226.73 FEET; THENCE 7) S-89°28'17"-W, 140.55 FEET; THENCE 8)S-87°51'34"-W, 77.78 FEET; THENCE 9) S-83°29'35"-W, 17.85 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 16; THENCE ALONG SAID SOUTH LINE S-89°39'36"-W, 244.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 75.14 ACRES, MORE OR LESS.

AND

PARCEL TWO

TRACTS 17 THROUGH 23, INCLUSIVE, LYING WEST OF RAILROAD RIGHT-OF-WAY, ALL LYING IN THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF "FLORIDA DEVELOPMENT CO. TRACT," ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 60, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR PARK ROAD AND SOUTH BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE NORTHWEST CORNER OF SAID TRACT 17, AND RUN THENCE ALONG THE NORTH LINE THEREOF, ALONG A NON-RADIAL LINE, N-89°39'36"-E, 139.88 FEET TO A 5/8" IRON ROD AND CAP STANDING ON THE WEST MAINTAINED RIGHT-OF-WAY OF PARK ROAD, ACCORDING TO MAP BOOK 21, PAGES 55 THROUGH 60, INCLUSIVE, PUBLIC RECORDS OF POLK COUNTY, FLORIDA SAID POINT ALSO BEING A POINT ON A CURVE (POINT OF CUSP) CONCAVE SOUTHEASTERLY; THENCE ALONG SAID WEST MAINTAINED RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES; 1) SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 167.86 FEET, A CENTRAL ANGLE/DELTA OF 30°06'24", A CHORD BEARING OF S-38°55'02"-W, A CHORD DISTANCE OF 87.19 FEET, FOR AN ARC LENGTH OF 88.20 FEET; THENCE 2) S-13°06'46"-W, 71.02 FEET; THENCE 3) S-01°28'30"-W, 85.64 FEET; THENCE 4) S-01°43'49"-E, 37.98 FEET; THENCE 5), S-25°08'38"-W, 136.15 FEET TO A POINT OF CURVE, CONCAVE WESTERLY; THENCE 6) SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 213.82 FEET, A CENTRAL ANGLE/DELTA OF 27°50'58" A CHORD BEARING OF S-08°24'57"-W, A CHORD DISTANCE OF 102.91 FEET, FOR AN ARC LENGTH OF 103.93 FEET; THENCE 7) S-02°58'50"-E, 57.67 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING ON THE WEST LINE OF SAID TRACT 17; THENCE ALONG SAID WEST LINE N-00°24'23"-W, 570.24 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

BEGIN AT A 5/8" IRON ROD AND CAP" LB 8135" STANDING AT THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 17 AND THE EAST MAINTAINED RIGHT-OF-WAY OF PARK ROAD, ACCORDING TO THE MAP BOOK 21, PAGES 55 THROUGH 60, INCLUSIVE, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID EAST MAINTAINED RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES: 1) N-13°05'22"-E, 24.70 FEET; THENCE 2) N-20°21'11"-E, 32.06 FEET; THENCE 3) N-24°36'46"-W, 79.55 FEET; THENCE 4) N-23°34'57"-E, 65.21 FEET TO A POINT OF CURVE CONCAVE NORTHWESTERLY; THENCE 5) NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 200.05 FEET, A CENTRAL ANGLE/DELTA OF 32°57'03", A CHORD BEARING OF N-09°13'18"-E, A CHORD DISTANCE OF 113.47 FEET, FOR AN ARC LENGTH OF 115.05 FEET; THENCE 6) N-02°24'49"-W, 124.45 FEET; THENCE 7) N-01°09'36"-E, 79.68 FEET; THENCE 8) N-12°06'49"-E, 57.58 FEET TO A POINT OF CURVE CONCAVE SOUTHEASTERLY; THENCE 9) NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 133.34 FEET, A CENTRAL ANGLE/DELTA OF 56°00'37", A CHORD BEARING OF N-47°24'33"-E, A CHORD DISTANCE OF 125.22 FEET, FOR AN ARC LENGTH OF 130.35 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING ON THE SOUTH RIGHT-OF-WAY OF SOUTH BOULEVARD, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY N-89°39'36"-E, 2,098.38 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE NORTHEAST CORNER OF SAID TRACT 23, ALSO BEING THE NORTHWEST CORNER OF TRACT 24 OF SAID "FLORIDA DEVELOPMENT CO. TRACT"; THENCE ALONG THE EAST LINE OF SAID TRACT 23, ALSO BEING THE WEST LINE OF SAID TRACT 24, S-00°30'31"-E, 90.76 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING ON THE WESTERLY RIGHT-OF-WAY OF THE CSX RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY S-34°37'32"-W, 676.80 FEET TO A CONCRETE MONUMENT "RLS 935" STANDING ON THE SOUTH LINE OF

SAID TRACT 22; THENCE ALONG THE SOUTH LINE OF TRACTS 17 THROUGH 22, INCLUSIVE, S-89°45'34"-W, 1,909.39 FEET TO THE POINT OF BEGINNING.

ALL CONTAINING: 31.14 ACRES, MORE OR LESS

AND

PARCEL THREE

PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 3, AND PART OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 10, ALL IN TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA. THE PROPERTY DESCRIPTION INCLUDES: LOTS 38 THROUGH 57, INCLUSIVE, IN BLOCK 197, AND LOTS 1 THROUGH 18, INCLUSIVE, (BEING ALL OF THE LOTS), IN BLOCK 198, AND LOT 8 IN BLOCK 199, ACCORDING TO THE PLAT OF "RESUBDIVISION BY HOLLY HILL GROVE & FRUIT COMPANY" IN DAVENPORT, RECORDED IN PLAT BOOK 21, PAGE 39 PUBLIC RECORDS OF POLK COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF WEST BOULEVARD AND THE WESTERLY RIGHT-OF-WAY OF THE CSX RAILROAD, AND RUN THENCE ALONG SAID EAST RIGHT-OF-WAY N-00°32'00"-W, 1195.51 FEET TO A ½" IRON ROD WITH NO IDENTIFICATION; THENCE N-89°42'00"-E, 200.00 FEET TO A 5/8" IRON ROD AND CAP "LB 8135"; THENCE N-00°28'24"-W, 170.00 FEET TO A ½" IRON ROD WITH NO IDENTIFICATION; THENCE N-89°42'00"-E, 294.80 FEET; THENCE S-64°44'00"-E, 383.27 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING ON THE WESTERLY RIGHT-OF-WAY OF THE CSX RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) S-33°13'08"-W, 75.13 FEET TO A 5/8" IRON ROD AND CAP "LB 8135"; THENCE 2) S-34°36'19"-W, 1,387.90 FEET TO THE POINT OF BEGINNING.

CONTAINING: 13.35 ACRES, MORE OR LESS.

AND

SOUTH BLVD

THAT PART OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING DESCRIBED AS:

BEGIN AT A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE SOUTHWEST CORNER OF TRACT 16 OF "FLORIDA DEVELOPMENT CO. TRACT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND RUN THENCE ALONG THE NORTH LINE THEREOF N-89°39'36"-E, 244.94 FEET TO ITS INTERSECTION WITH THE NORTH MAINTAINED RIGHT-OF-WAY OF SOUTH BOULEVARD ACCORDING TO MAP BOOK 21, PAGES 55-60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID NORTH MAINTAINED RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES: 1) N-83°29'35"-E, 17.85 FEET; THENCE 2) N-87°51'34"-E, 77.78 FEET; THENCE 3) N-89°28'17"-E, 140.55 FEET; THENCE 4) S-89°22'41"-E, 226.73 FEET; THENCE 5) N-89°28'24"-E, 371.04 FEET; THENCE 6) S-89°21'36"-E, 130.06 FEET; THENCE 7) N-89°39'36"-E, 1,112.08 FEET; THENCE 8) N-77°20'11"-E, 31.14 FEET; THENCE 9) N-88°42'31"-E, 27.01 FEET TO THE INTERSECTION OF SAID SOUTH MAINTAINED RIGHT-OF-WAY AND THE WESTERLY RIGHT-OF-WAY OF WEST BOULEVARD; THENCE CONTINUE N-88°42'31"-E, 24.69 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE CSX RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF THE CSX

RAILROAD S-34°36'19"-W, 45.76 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF TRACT 24 OF SAID "FLORIDA DEVELOPMENT CO. TRACT"; THENCE S-89°39'36"-W, 63.75 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE NORTHWEST CORNER OF SAID TRACT 24, ALSO BEING THE NORTHEAST CORNER OF TRACT 23 OF SAID "FLORIDA DEVELOPMENT CO. TRACT", SAID POINT ALSO LIES ON THE NORTH RIGHT-OF-WAY OF SOUTH BOULEVARD PER PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT-OF-WAY S-89°39'36"-W, 2,098.38 FEET TO ITS INTERSECTION WITH THE EASTERLY MAINTAINED RIGHT-OF-WAY OF SOUTH BOULEVARD ACCORDING TO MAP BOOK 21, PAGES 55-60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, SAID POINT ALSO LIES ON THE NORTH LINE OF TRACT 17 OF SAID "FLORIDA DEVELOPMENT CO. TRACT"; THENCE ALONG SAID NORTH LINE OF TRACT 17 AND CONTINUING S-89°39'36"-W, 59.45 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT ITS INTERSECTION WITH THE WESTERLY MAINTAINED RIGHT-OF-WAY OF SOUTH BOULEVARD ACCORDING TO SAID MAP BOOK 21, PAGES 55-60; THENCE CONTINUE ALONG SAID NORTH LINE OF TRACT 17 AND CONTINUING S-89°39'36"-W, 139.88 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE NORTHWEST CORNER OF SAID TRACT 17; THENCE CONTINUE S-89°39'36"-W, 15.00 FEET; THENCE N-00°52'59"-W, 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 74,377 SQUARE FEET, 1.707 ACRES, MORE OR LESS.

AND

WEST BOULEVARD

THAT PART OF THE NORTHEAST ¼ OF SECTION 9, AND THE NORTHWEST ¼ OF SECTION 10, LYING IN TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING DESCRIBED AS:

BEGIN AT A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF HILLY HILL DRIVE AND THE WEST RIGHT-OF-WAY OF WEST BOULEVARD, AND RUN THENCE N-89°28'00"-E, 31.25 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF WEST BOULEVARD; THENCE S-00°32'00"-E, 917.67 FEET TO A 5/8" IRON ROD AND CAP "LB 8135" STANDING AT THE INTERSECTION OF SAID EAST RIGHT-OF-WAY AND THE WESTERLY RIGHT-OF-WAY OF THE CSX RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY S-34°36'19"-W, 28.23 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 10, ALSO BEING THE EAST LINE OF SAID SECTION 9; THENCE ALONG SAID WEST LINE, ALSO BEING SAID EAST LINE, N-00°32'00"-W, 17.78 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE CSX RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY S-34°36'19"-W, 26.06 FEET; THENCE N-00°32'00"-W, 34.75 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF WEST BOULEVARD; THENCE ALONG SAID WEST RIGHT-OF-WAY N-00°32'00"-W, 909.55 FEET TO THE POINT OF BEGINNING.

CONTAINING: 29,104 SQUARE FEET, 0.668 ACRES, MORE OR LESS.

CDD CONTAINS APPROXIMATELY 122.00 ACRES, MORE OR LESS.