

FIRST AMENDMENT TO PRE-ANNEXATION AGREEMENT

THIS AMENDMENT is made this ____ day of _____, 2016 by and between THE CITY OF VENICE, FLORIDA, a municipal corporation (hereinafter referred to as "City"), and BORDER ROAD INVESTMENTS, LLC, successor in title and interest to SJMR Limited Partnership, a Florida limited partnership and Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust.

WHEREAS, the City and SJMR Limited Partnership, a Florida limited partnership and Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust are parties to a Pre-Annexation Agreement dated April 22, 2008; and

WHEREAS, Border Road Investments, LLC, has purchased a portion of the property subject to the Pre-Annexation Agreement; and

WHEREAS, the City and Border Road Investments, LLC, wish to amend certain terms and conditions of the April 22, 2008 Pre-Annexation Agreement, as it applies to that portion of the property owned by Border Road Investments, LLC; and

NOW, THEREFORE, in consideration of the covenants and promises contained herein and in the April 22, 2008 Pre-Annexation Agreement, the City and Border Road Investments, LLC, agree as follows:

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

SECTION 2. The portion of the property subject to the Pre-Annexation Agreement owned by Border Road Investments, LLC, is shown on "Exhibit A" attached hereto. This First Amendment applies to the property shown on Exhibit A only.

SECTION 3. Section 7C of the April 22, 2008 Pre-Annexation Agreement is hereby deleted in its entirety as follows:

~~7. C. DEDICATION OF JACKSON ROAD RIGHT OF WAY: Sarasota County intends to extend Jackson Road over and across the Subject Property. In order to facilitate the road extension, the Owner agrees to convey to the City or its designee a right of way corridor over and across the Subject Property. Said right of way corridor shall be at least 54 feet in width and not exceed 68 feet in width as a two lane collector or boulevard. In any event, the ultimate width of the corridor may vary based upon the design criteria for the road cross section. Engineering and design work for the road extension have not been completed and therefore the final alignment has not been determined. Final alignment shall be determined at the time of site and development plan approval or preliminary plat approval, whichever comes first. Once the final alignment is determined, the Owner shall convey the right of way corridor to the City or its designee by warranty deed within 120 days of notice from the City. This stipulation does not supersede any~~

~~Sarasota County requirements for the assessment, collection or crediting of transportation impact fees.~~

SECTION 4. The above-described amendments shall be effective as of May 24, 2016.

SECTION 5. All other terms and conditions of the April 22, 2008 Pre-Annexation Agreement not specifically amended herein remain in full force and effect.

IN WITNESS WHEREOF, the City and the Border Road Investments, LLC, set their hands and seals hereto on the day and year first above written.

CITY OF VENICE, FLORIDA

BY: _____
John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

(SEAL)

David Persson, City Attorney

**BORDER ROAD INVESTMENTS, LLC
Florida Limited Liability Company**

John Neal, Manager

STATE OF FLORIDA
COUNTY OF SARASOTA

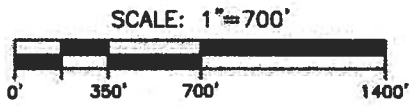
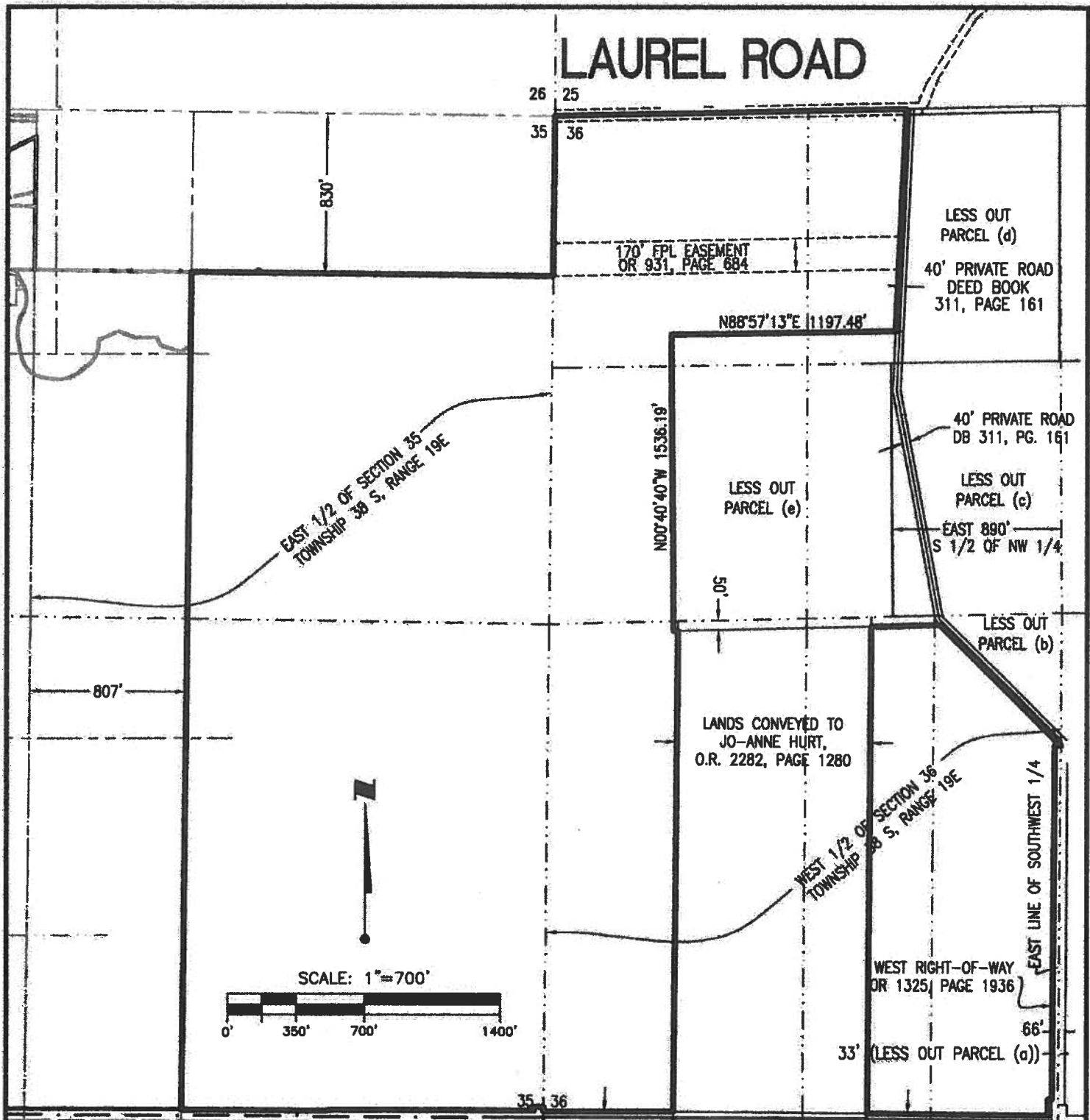
The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Notary Public Signature: _____

Printed name of notary: _____

Commission Number: _____ My Commission Expires: _____

LAUREL ROAD



BORDER ROAD

This is NOT a Survey and Not valid without all sheets.

FOR: NEAL COMMUNITIES OF SOUTHWEST FLORIDA

SKETCH & DESCRIPTION OF
TWO TRACTS OF LAND, LYING IN
SECTIONS 35 & 36, TOWNSHIP 38 S., RANGE 19 E.
SARASOTA COUNTY, FLORIDA



Stantec

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TASK CODE: 200	DRAWN BY: RRC	CHKD BY: RRC	CAD FILE: 12903v-sk01	PROJECT NO: 215612903	SHEET 1 OF 3	DRAWING INDEX NO: B215612903*	REV:
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EXHIBIT A
SUBJECT PROPERTY LEGAL DESCRIPTION

- (1) The East 1/2 of Section 35, Township 38 South, Range 19 East, LESS therefrom the North 830 feet thereof, and also LESS the West 807 feet thereof.
- (2) The West one-half of Section 36, Township 38 South, Range 19 East, LESS therefrom the following five parcels:
 - (a) Commencing at the SE corner of the SW1/4 of said Section 36 for a Point of Beginning: thence run Northerly along the Easterly boundary of said SW1/4 of Section 36 a distance of 1973.23 feet; thence run an angle of 90° to the West and run a distance of 33 feet to a point; thence run an angle of 90° to the South and run a distance of 1973.23 feet and parallel to the Easterly boundary of the said SW1/4 of Section 36 to a point on the Southerly boundary of said SW 1/4 of Section 36; thence Easterly along the Southerly boundary of the said SW 1/4 of Section 36 a distance of 33 feet to the Point of Beginning;
 - (b) Beginning at the SE corner of the NW 1/4 of said Section 36 for a Point of Beginning; thence S89°37'32"W along the 1/4 Section line a distance of 673.2 feet to a point; thence S10°42'46"E a distance of 47.67 feet to a point; thence S45°30'46"E a distance of 922.26 feet to a point on the 1/4 Section line; thence N00°32'14"E along the 1/4 Section line a distance of 685.48 feet to the Point of Beginning;
 - (c) The East 890 feet of the South one-half of the NW 1/4 of said Section 36;
 - (d) That part of the NE 1/4 of the NW 1/4 of said Section 36 lying East of that certain private road as shown on that certain plat attached to the Deed recorded in Deed Book 311, Page 161, Public Records of Sarasota County, Florida (said road being indicated in said plat as "Relocation of Private Road") LESS therefrom the North 30 feet of the NE1/4 of the NW1/4 of Section 36 lying between said Private Road and the West bank of the Myakka River; and
 - (e) Commence at the Northwest corner of Section 36, Township 38 South, Range 19 East, Sarasota County, Florida; thence N 88° 33' 15" E, 1854.05' along the North line of said Section 36, to the East line of existing 40' private road; thence S02°30'45"W, 1153.53' along the East line of said road for the Point of Beginning; thence continue S02°30'45"W, 163.21' along said road to the South line of the Northeast 1/4 of the NW 1/4 of said Section 36; thence S88°31'19"W, 57.35' along said South line; thence S00°40'40"E, 1313.72' parallel with the East line of the Northwest 1/4 of said Section 36, to the South line of the Northwest 1/4 of said Section 36; thence N 88°29'25"E, 220.89 feet along said South line to the West line of said 40' private road; thence S11°00'46"E 25.83' along said road; thence S45°48'52"E. along said road 34.27; thence S88°29'25"W, 1380.97'; parallel with the South line of the Northwest 1/4 of said Section 36; thence N 00°40'40"W, 1536.19' parallel with the East line of the Northwest 1/4 of said Section 36; thence N88°57'13"E, 1197.48' to the Point of Beginning.

(continued on Page 3)

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SKETCH & DESCRIPTION OF
TWO TRACTS OF LAND, LYING IN
SECTIONS 35 & 36, TOWNSHIP 38 S., RANGE 19 E.
SARASOTA COUNTY, FLORIDA



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TASK CODE: 200	DRAWN BY: RRC	CHKD BY: RRC	CAD FILE: 12903v-sk01	PROJECT NO: 215612903	SHEET 2 OF 3	DRAWING INDEX NO: B215612903*	REV:
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(continued from Page 2)

Together with and subject to an easement for road right-of-way purposes (ingress and egress) over that certain private road as appears in plat attached to deed recorded in Deed Book 311, page 161, of the Public Records of Sarasota County, Florida, and marked "Relocation of Private Road."

Together with all riparian rights thereunto belonging and in anywise appertaining.

Subject to that certain right-of-way agreement with the FLORIDA POWER & LIGHT COMPANY, its successors and assigns, for an easement in, over, upon and across the South 170 feet of the North 830 feet of the NW 1/4 of Section 36 as recorded in Official Records Book 931, pages 684 and 686, of the Public Records of Sarasota County, Florida.

Less:

Lands conveyed to Sarasota County and recorded in Official Records, Book 2404, Page 2706; and Lands conveyed to Sarasota County and recorded in Official Records, Book 2404, Page 2700 Public Records, Sarasota County, Florida.

Less:

Lands conveyed to Jo-Anne Hurt and recorded in Official Records Book 2282, Page 1280 Public Records, Sarasota County, Florida.

Less:

Lands conveyed to Sarasota County and recorded in Official Records Book 1325, Page 1936 Public Records, Sarasota County, Florida.

NOTES:

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER, THIS SKETCH, DRAWING, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF SECTION 36, BEING N.88°33'15"E.
3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

ORB = OFFICIAL RECORD
 (R) = RADIAL
 PG = PAGE
 DB = DEED BOOK

Prepared by:
 STANTEC CONSULTING SERVICES INC.
 Licensed Business No. LB6678
 State of Florida

[Handwritten Signature]
 Robert R. Cunningham, P.S.M.
 Florida Registration No. 3924

5/17/2016
 Date of Signature

[Professional Seal: STATE OF FLORIDA, PROFESSIONAL SURVEYOR, No. 12902]

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