

THIS INSTRUMENT PREPARED BY:

Maggie Gaughan, Real Property Specialist
Manatee County Government
Property Management Department
On behalf of Joy Leggett-Murphy, Property Acquisition Division Manager
1112 Manatee Avenue West Suite 800
Bradenton, Florida 34205

PROJECT NAME: Whiskey Joe's
PID NO: 872700059

SPACE ABOVE THIS LINE FOR RECORDING DATA

PERMANENT UTILITY EASEMENT

THIS PERMANENT UTILITY EASEMENT (hereinafter Easement) is made this 14th day of July, 2020, between **TP-ELLENTON, LLC**, a Florida limited liability company, whose mailing address is 8191 East Kaiser Boulevard, California 92808 (hereinafter the **Grantor**), and **MANATEE COUNTY**, a political subdivision of the State of Florida, whose mailing address is Post Office Box 1000, Bradenton, Florida 34206, (hereinafter the **Grantee**).

As used herein, the term "Grantor" shall include any and all heirs, legal representatives, successors or assigns of the Grantor, and all subsequent owners of the "**Easement Area**" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH THAT Grantor, for and in consideration of the sum of **ONE DOLLAR (\$1.00)** and other valuable consideration paid, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and transfer unto Grantee, a ***nonexclusive, permanent easement for the purposes of ingress and egress, construction and maintenance of surface and underground infrastructure and utility facilities, and other improvements*** across, in, over, under and upon the real property of the Grantor situated, lying and being in the County of Manatee, State of Florida, particularly described as **Exhibit A** attached hereto and incorporated herein by this reference (hereinafter the **Easement Area**).

THAT said Grantor reserves the right to the continued free use and enjoyment of the Easement Area for any purposes which are not inconsistent with the rights granted herein unto the Grantee.

AND GRANTOR covenants with the Grantee that it is lawfully seized of said lands, and that it has good, right and lawful authority to grant this Easement and shall take no action to interfere with the Grantee's or public's lawful use of said Easement; that the Grantor hereby fully warrants the Easement being granted and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and its seal to be hereunto affixed, by its proper agent or officer thereunto duly authorized, the day and year first above written.

SIGNATURE PAGE AND ACKNOWLEDGEMENT FOLLOW ON NEXT PAGE.

Signed, sealed and delivered in the presence of two witnesses as required by law.

GRANTOR:

TP-ELLENTON, LLC, a Florida limited liability company

Tammy Hutch
First Witness Signature

By: [Signature]
Signature

Tammy Hutcherson
First Witness Printed Name

As: President
Title

John Tallichet
Printed Name

[Signature]
Second Witness Signature

Affix corporate seal below:

Brian Ofcacek
Second Witness Printed Name

Attest: Secilia Tallichet
Secretary Signature

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

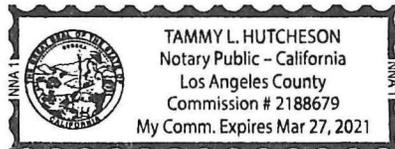
County of Orange)

On July 14, 2020 before me, Tammy L. Hutcherson, Notary Public, personally appeared John Tallichet, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Tammy L. Hutcherson



This area for official notarial seal.

DESCRIPTION (UTILITY EASEMENT):

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 34 SOUTH, RANGE 18 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE ALONG THE NORTH SECTION LINE OF SAID NORTHWEST QUARTER N89°36'36"W, A DISTANCE OF 630.71 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. 301 (19TH STREET-OLD U.S. 301) PER FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION NO. 13075-2404; THENCE ALONG THE EASTERLY LINE OF A PARCEL AS RECORDED IN OFFICIAL RECORD BOOK 1626, PAGE 958 AND OFFICIAL RECORD BOOK 2722, PAGE 1144 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA S21°59'53"E, A DISTANCE OF 46.77 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY LINE AS RECORDED IN OFFICIAL RECORD BOOK 1626, PAGE 958 OF SAID PUBLIC RECORDS S21°59'53"E, A DISTANCE OF 7.26 FEET; THENCE S68°00'07"W, A DISTANCE OF 7.00 FEET; THENCE N21°59'53"W, A DISTANCE OF 10.00 FEET; THENCE N68°00'07"E, A DISTANCE OF 2.46 FEET TO AN INTERSECTION WITH THE SOUTHERLY FDOT RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION NO. 13075-000 2010325 AND TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S08°13'22"W, A DISTANCE OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 1°44'08", A DISTANCE OF 5.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 63.86 SQUARE FEET, MORE OR LESS.

(SEE SHEET 2 FOR SKETCH)

NOT A BOUNDARY SURVEY

DESCRIPTION & SKETCH

OF A

UTILITY EASEMENT

LOCATED IN

SECTION 16, TOWNSHIP 34 SOUTH, RANGE 18 EAST

MANATEE COUNTY, FLORIDA

DATED: 2020.04.07

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

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT IT MEETS THE "STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA", CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

BY: Brandon Lauster
BRANDON LAUSTER, P.S.M.
FLORIDA CERTIFICATE No. PLS 7219
DATE OF CERTIFICATION 04-07-2020

UTILITY EASEMENT
PARCEL ID NO. 872700059
NOW OR FORMERLY

SHEET 1 OF 2

SOUTHEASTERLY FDOT RIGHT-OF-WAY LINE
 OF U.S. 301 (19TH STREET-OLD U.S. 301)
 PER FDOT MAP SECTION NO. 13075-2404

N. LINE OF THE NORTHWEST 1/4
 SEC. 16, T34S, R18E
 N89°36'36"W 630.71'

P.O.C.

NE CORNER OF THE NW 1/4
 SEC. 16, T34S, R18E

S21°59'53"E 46.77'
 O.R.B. 1626, PG. 958 &
 O.R.B. 2722, PG. 1144

N68°00'07"E 2.46'

SOUTHERLY R/W LINE PER FDOT MAP
 SECTION NO. 13075-000 2010325

$\Delta=1^{\circ}44'08''$

L=5.30'

R=175.00'

CB=S80°54'34"E

P.O.B.

TO RADIUS POINT
 S08°13'22"W

PID 872700059
 NOW OR FORMERLY

N21°59'53"W 10.00'
 S21°59'53"E 7.26'

S68°00'07"W 7.00'

EASTERLY LINE OF
 O.R.B. 1626, PG. 958



SCALE 1"=10'

LEGEND:

- FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- O.R.B. - OFFICIAL RECORD BOOK
- PG. - PAGE
- Δ - CENTRAL ANGLE
- R - RADIUS
- L - ARC LENGTH
- CB - CHORD BEARING
- \pm - MORE OR LESS
- SITE (± 63.86 SQUARE FEET)

DATED: 2020.04.07

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UTILITY EASEMENT
 PARCEL ID NO. 872700059
 NOW OR FORMERLY

NOT A BOUNDARY SURVEY DESCRIPTION & SKETCH

OF A UTILITY EASEMENT

LOCATED IN

**SECTION 16, TOWNSHIP 34 SOUTH, RANGE 18 EAST
 MANATEE COUNTY, FLORIDA**

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH SECTION LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 34 SOUTH, RANGE 18 EAST, BEING N89°36'36"W.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY. (MONUMENTS HAVE NOT BEEN FIELD LOCATED OR SET).

SHEET 2 OF 2

THIS INSTRUMENT PREPARED BY:

Maggie Gaughan, Real Property Specialist
Manatee County Government
Property Management Department
On behalf of Joy Leggett-Murphy, Property Acquisition Division Manager
1112 Manatee Avenue West Suite 800
Bradenton, Florida 34205

PROJECT NAME: Whiskey Joe's
PID NO: 872700059

SPACE ABOVE THIS LINE FOR RECORDING DATA

CONSENT AND JOINDER

THIS CONSENT AND JOINDER, made and given this 14th day of July, 2020, by **Bank of the West**, a California banking corporation, whose mailing address is 180 Montgomery Street, San Francisco, California 94104, (hereinafter the **Mortgagee**), being the owner and holder of a mortgage dated December 10, 2019, made by **TP-Ellenton, LLC**, a Florida limited liability company, whose mailing address is 8191 East Kaiser Boulevard, Anaheim, California 92808 (hereinafter the **Mortgagor**, in favor of Mortgagee, which Mortgage has been recorded in Official Records Book 2820 Page 4160, of the Public Records of Manatee County, Florida (hereinafter the **Mortgage**), and encumbers real property.

WHEREAS, MANATEE COUNTY, a political subdivision of the State of Florida, for good and valuable consideration, has or will obtain from the Mortgagee a "Permanent Utility Easement" (hereinafter the **Easement**), encumbering the lands described in the Easement, to which this Consent and Joinder is attached.

WHEREAS, MANATEE COUNTY has requested the Mortgagee consent to and join in the Easement referenced above and incorporated herein by reference, and the Mortgagee hereby consents to and joins in same.

IN WITNESS WHEREOF, the Mortgagee has caused these presents to be executed in its name and its seal to be hereunto affixed, by its proper agent thereunto duly authorized, the day and year first above written.

SIGNATURE PAGE AND ACKNOWLEDGEMENT FOLLOW ON NEXT PAGE.

Signed, sealed and delivered in the presence of two witnesses as required by law.

MORTGAGEE:

Bank of the West, a California banking corporation

Tammy Hutcheson

First Witness Signature

Tammy Hutcheson

First Witness Printed Name

[Signature]

Second Witness Signature

BILLON OFFICER

Second Witness Printed Name

By: [Signature]
Signature

As: Director
Title

James Gibson
Printed Name

Affix corporate seal below:

Attest: Not applicable
Secretary Signature

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

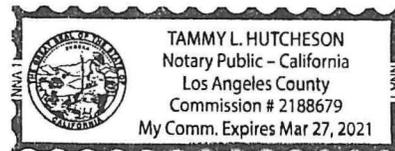
County of Orange)

On July 14, 2020 before me, Tammy L. Hutcheson, Notary Public, personally appeared James Gibson, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Tammy L. Hutcheson



This area for official notarial seal.