

THIS INSTRUMENT PREPARED BY:
Charles Meador, Real Property Specialist, Property Acquisition Division
Manatee County Property Management Department
1112 Manatee Avenue West, Suite 800
Bradenton, Florida 34205

PROJECT NAME: LA FITNESS
PARCEL # N/A
PID #5359800109

=====SPACE ABOVE THIS LINE FOR RECORDING DATA=====

AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES

STATE OF Ohio
COUNTY OF Cuyahoga

BEFORE ME, the undersigned authority, this day personally appeared James J. Farrell, as Executive Vice President for **DDR SOUTHEAST CORTEZ, L.L.C.**, a Delaware limited liability (hereinafter "**Grantor**") whose mailing address is 3300 Enterprise Parkway, Beachwood, Ohio, 44122 who, being first duly sworn, deposes and says:

1. **Grantor,** is the owner of and has full authority to sell or encumber the property situate in Manatee County, State of Florida, more particularly described as Parcel 5359800109 in **Exhibit "A"** attached hereto and incorporated herein by this reference (hereinafter "**Property**").

2. That the Grantor plans to convey an easement to **MANATEE COUNTY**, a political subdivision of the State of Florida, whose mailing address is Post Office Box 1000, Bradenton, Florida 34206 (hereinafter "**Grantee**").

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

Covenants, Conditions and Restrictions as set forth in Warranty Deed recorded in Deed Book 336, Page 19, as affected by O.R. Book 9, Page 128 and O.R. Book 9, Page 130.

Covenants, Conditions and Restrictions as set forth in Warranty Deed recorded in Deed Book 388, Page 437.

Easement recorded in Deed Book 392, Page 21.

The terms, provisions and conditions contained in that certain Amended Grant of License for Traffic Signal Device recorded in O.R. Book 1264, Page 3342.

Easement granted to Florida Power & Light Company by instrument recorded in O.R. Book 1267, Page 1917, as affected by O.R. Book 1789, Page 183; O.R. Book 1906, Page 5343 and Book 2471, Page 5236.

The terms, provisions and conditions contained in that certain Easement Agreement recorded O.R. Book 1278, Page 1507, as affected by Book 1263, Page 1788; O.R. Book 1561, Page 2941 and O.R. Book 1570, Page 556.

Drainage, Water Line and Sanitary Sewer Easement recorded in O.R. Book 1305, Page 3146, as affected by O.R. Book 1305, Page 3092; O.R. Book 1305, Page 3110; O.R. Book 1305, Page 3122 and O.R. Book 1305, Page 3134.

Easement granted to Florida Power and Lighted by instrument recorded in Deed Book 110, Page 401.

Easement as contained in Fee Simple Deed recorded in Deed Book 172, Page 445.

All of the terms and provisions set forth and contained in that certain Short Form Lease between Bradenton Associates, a New York General Partnership, Lessor, and Wal-Mart Stores, Inc., Lessee, recorded in O.R. Book 1041, Page 3324.

The terms, provisions, and conditions contained in that certain Agreement recorded in O.R. Book 1091, Page 1517.

The terms, provisions and conditions contained in that certain Sanitary Sewer and Water Line Easements recorded in O.R. Book 1091, Page 1529.

The terms, provisions and conditions contained in that certain Agreement recorded in O.R. Book 1091, Page 1575.

All of the terms and provisions set forth and contained in that certain memorandum of Lease between Bradenton Associates, a Florida general partnership, Lessor, and Volume Shoe Corporation, a Missouri corporation, Lessee, a Memorandum of which is recorded in O.R. Book 1213, Page 1332.

Utility Easement recorded in O.R. Book 1259, Page 1077, as affected by O.R. Book 1266, Page 3936.

All of the terms and provisions set forth and contained in that certain Memorandum of Lease between Vintage Properties, Inc., a Texas corporation, Lessor, and Publix Super Markets, Inc., a Florida corporation, Lessee, a memorandum of which is recorded in O.R. Book 1174, Page 551, as affected by O.R. Book 1188, Page 3213; O.R. Book 1188, Page 3285; O.R. Book 1327, Page 9 and O.R. Book 1432, Page 1334.

All of the terms and provisions set forth and contained in that certain Short Form Memorandum of Lease between Vantage Properties, Inc., a Texas corporation, Lessor, and Zayre Corp., a Delaware corporation, Lessee, a memorandum of which is recorded in O.R. Book 1188, Page 3237, as affected by O.R. Book 1188, Page 3285; O.R. Book 1194, Page 3489; O.R. Book 1242, Page 2108; O.R. Book 1315, Page 1248; O.R. Book 1315, Page 1188; O.R. Book 1327, Page 9; O.R. Book 1432 Page 1334; O.R. Book 1688, Page 3437 and O.R. Book 1688, Page 3446.

All of the terms and provisions set forth and contained in that certain Memorandum of Lease between Vantage Properties, Inc., a Texas corporation, Lessor, and Walgreen Co., an Illinois corporation, Lessee, a memorandum of which is recorded in O.R. Book 1188, Page 3259, as affected by O.R. Book 1188, Page 3285 and O.R. Book 1327, Page 9.

All of the terms and provisions set forth and contained in that certain Memorandum of Lease Agreement between Cortez Plaza, Inc., a Florida corporation, Lessor, and Circuit City Stores, Inc., a Virginia corporation, Lessee, a memorandum of which is recorded in O.R. Book 1308, Page 3034, as affected by O.R. Book 1327, Page 9 and O.R. Book 1432, Page 1334.

Perpetual Easement as contained in Stipulated Final Judgment recorded in Book 2174, Page 5225.

Utility Easement recorded in Book 2453, Page 1245.

All of the terms and provisions set forth and contained in that certain Short Form Lease between DDR Southeast Cortez, LLC, a Delaware limited liability company, Lessor, and Chick-Fil-A, Inc., a Georgia corporation, Lessee, a memorandum of which is recorded in Book 2463, Page 3073.

Permanent Utilities Easement as recorded in Book 2489, Page 7428.

Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

Easement recorded in Book 2471, Page 5234.

All of the terms and provisions set forth and contained in that certain Memorandum of Lease between DDR Southeast Cortez, LLC, a Delaware limited liability company, Lessor, and Fitness International, LLC, a California limited liability company, Lessee, a memorandum of which is recorded in Book 2506, Page 5801.

Any lien or right to a lien in for labor, services or materials provided in connection with the construction of the improvements referred to in the Notice of Commencement filed June 23, 2014 in Book 2525, Page 4442.

Any lien or right to a lien in for labor, services or materials provided in connection with the construction of the improvements referred to in the Notice of Commencement filed November 13, 2014 in Book 2544, Page 4484.

Easement recorded in Book 2553, Page 2456.

Any lien or right to a lien in for labor, services or materials provided in connection with the construction of the improvements referred to in the Notice of Commencement filed January 29, 2015 in Book 2554, Page 440.

Easement recorded in Book 2560, Page 216.

Any lien or right to a lien in for labor, services or materials provided in connection with the construction of the improvements referred to in the Notice of Commencement filed April 9, 2015 in Book 2563, Page 6717.

Any lien or right to a lien in for labor, services or materials provided in connection with the construction of the improvements referred to in the Notice of Commencement filed June 19, 2015 in Book 2574, Page 2945.

Claim of Lien in favor of John Curry Corp, recorded in Book 2574. Page 6184.

The rights of tenants, as tenants only, in possession of the shopping center known as Cortez Plaza.

4. That there has been no labor, material, or service furnished for improvement of the Property which remains unpaid, or that will not be paid in the ordinary course except as set forth in paragraph 3 of this Affidavit.

5. That there are no claims, demands, liens, or judgments outstanding against the Property and that 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 assisting the Grantee in the acquisition of the Property.

DDR SOUTHEAST CORTEZ, L.L.C., a Delaware limited liability company

By: *James J. Farrell*
Printed Name: James J. Farrell
Title: Executive Vice President

SWORN to (or affirmed) and subscribed before me this 13th day of July, 2015, by James J. Farrell as Executive Vice President for DDR Southeast Cortez, L.L.C. who is () personally known to me or () who has produced N/A as identification.



Notary Public Seal: Debra Caspio
Notary Public, State of Ohio
My Commission Expires March 6, 2019

My Commission Expires: 3-6-19

NOTARY PUBLIC, State of Ohio
Debra Caspio
Printed Name

Sketch and Description:

THIS IS NOT A SURVEY

EXHIBIT "A"

Legal Description:

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN SOUTH 01°17'00" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11, A DISTANCE OF 49.77 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 684 (CORTEZ ROAD) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 13040-2501; THENCE CONTINUE SOUTH 01°17'00" EAST ALONG SAID EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11, ALSO BEING THE EAST LINE OF TANGELO PARK 1ST ADDITION, PER PLAT BOOK 9, PAGES 99 AND 100, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND ITS NORTHERLY EXTENSION, A DISTANCE OF 596.38 FEET TO THE INTERSECTION OF THE NORTHERLY LINE OF A 12 FOOT WIDE WATERLINE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1305, AT PAGES 3092, 3110, 3134 AND 3146 OF SAID PUBLIC RECORDS, AND ITS EASTERLY EXTENSION; THENCE RUN NORTH 89°03'47" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 389.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°03'47" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 9.93 FEET; THENCE DEPARTING SAID NORTHERLY LINE RUN NORTH 01°23'00" WEST A DISTANCE OF 124.54 FEET; THENCE RUN NORTH 89°00'57" EAST A DISTANCE OF 14.18 FEET; THENCE RUN SOUTH 01°18'06" EAST A DISTANCE OF 62.82 FEET; THENCE RUN SOUTH 87°51'12" WEST A DISTANCE OF 5.00 FEET; THENCE RUN SOUTH 02°08'48" EAST A DISTANCE 61.96 FEET TO THE POINT OF BEGINNING.

ENCOMPASSES 1,476 SQUARE FEET MORE OR LESS.

Abbreviation Legend:

(A) - ACTUAL	(A) - DEED	GOV'T - GOVERNMENT	PC - POINT OF CURVATURE	R17E - RANGE 17 EAST
APPROX - APPROXIMATE	(DE) - DEED EXCEPTION	IP - IRON PIPE	PCC - POINT OF COMPOUND	R - RADIUS
AVG - AVERAGE	DEPT - DEPARTMENT	IR - IRON ROD	PCP - PERMANENT CONTROL POINT	REC - RECOVERED
(BB) - BEARING BASIS	D/U - DRAINAGE AND UTILITY	IR&C - IRON REBAR & CAP	PG - PAGE	REV - REVISION
BLDG - BUILDING	ELEV - ELEVATION	L - ARC LENGTH	PGS - PAGES	RP - RADIUS POINT
BM - BENCH MARK	EOP - EDGE OF PAVEMENT	LB# - LICENSED BUSINESS NUMBER	PI - POINT OF INTERSECTION	R/W - RIGHT-OF-WAY
(C) - CALCULATED	ESMT - EASEMENT	(M) - MEASURED	POB - POINT OF BEGINNING	SEC 11 - SECTION 11
C - CHORD	ESMT - EASEMENT	N & D - NAIL AND DISK	POC - POINT OF COMMENCEMENT	SQ - SQUARE
CB - CHORD BEARING	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION	NR - NON-RADIAL	POL - POINT ON LINE	SQ FT - SQUARE FEET
CCR # - CERTIFIED CORNER RECORD NUMBER	FF - FINISH FLOOR	NSI - NO SURVEYOR IDENTIFICATION	PRC - POINT OF REVERSE CURVATURE	TB - TANGENT BEARING
C/L - CENTERLINE	FND - FOUND	NT - NON-TANGENT	PRM - PERMANENT REFERENCE MONUMENT	T35S - TOWNSHIP 35 SOUTH
CM - CONCRETE MONUMENT	FP&L - FLORIDA POWER AND LIGHT	OR - OFFICIAL RECORDS BOOK	PT - POINT OF TANGENCY	(TYP) - TYPICAL
CONC - CONCRETE	FS - FLORIDA STATUTES	ORB - OFFICIAL RECORDS BOOK	FEC - FLORIDA EAST COAST RAILWAY	UE - UTILITY EASEMENT
COR - CORNER	(G) - GRID (STATE PLANE)	PB - PLAT BOOK		W/ - WITH
Δ - DELTA				

Surveyor's Notes:

- "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- "ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES."
- BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF TANGELO PARK 1ST ADDITION, PLAT BOOK 9, PAGES 99 AND 100 PER THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AS BEING S 01°17'00" E.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
- THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
- THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on June 30, 2015. I further certify that this "Sketch and Description" meets the standards of practice set forth in Rule Chapter 5J-17 of the Florida Administrative Code, pursuant to FS 472.027.

For the Firm By:

Thomas J. Galloway
Professional Surveyor and Mapper
Florida Registration No. 6549

TITLE BLOCK ABBREVIATIONS
Eng. = ENGINEERING L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION Arch. = ARCHITECTURAL
Landscp. = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED
No. = NUMBER P.O. = POST OFFICE © = COPYRIGHT

NOT VALID WITHOUT
SHEETS 1 AND 2 OF 2.

Date: 6/30/15

Job No. D6055

Drawn by: JTF

Scale: N/A

File: D6055 TRANS.DWG



Prepared By:
CPH, Inc.

Licenses:
Eng. C.O.A. No. 3215
Survey L.B. No. 7143
Arch. Lic. No. AA2600926
Lndscp. Lic. No. LC0000298

DDR - WATERLINE EASEMENT
CORTEZ PLAZA
SECTION 11-TOWNSHIP 35 SOUTH-RANGE 17 EAST
MANATEE COUNTY, FLORIDA

Sheet

1

1 of 2

SKETCH AND DESCRIPTION

© 2015

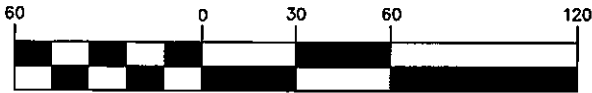
500 W. Fulton St. ~ Sanford, Fl. 32771 ~ Ph: 407.322.6841

Sketch and Description:

THIS IS NOT A SURVEY

EXHIBIT "A"

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

CORTEZ ROAD
(STATE ROAD 684)

POC

NE CORNER OF
THE NW 1/4
SEC 11, T35S, R17E

S R/W LINE SR NO. 684
(CORTEZ ROAD)(D)
PER FDOT R/W MAP,
SECTION NO. 13040-2501

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°03'47" W	9.93'
L2	N 01°23'00" W	124.54'
L3	N 89°00'57" E	14.18'
L4	S 01°18'06" E	62.82'
L5	S 87°51'12" W	5.00'
L6	S 02°08'48" E	61.96'

ENCOMPASSES
1,476 SQ FEET
OR 0.03 ACRE±

PARCEL ID# 5359800109
OWNER: DDR SOUTHEAST
CORTEZ LLC
ADDRESS: 901 CORTEZ RD W

NO SALES LISTED

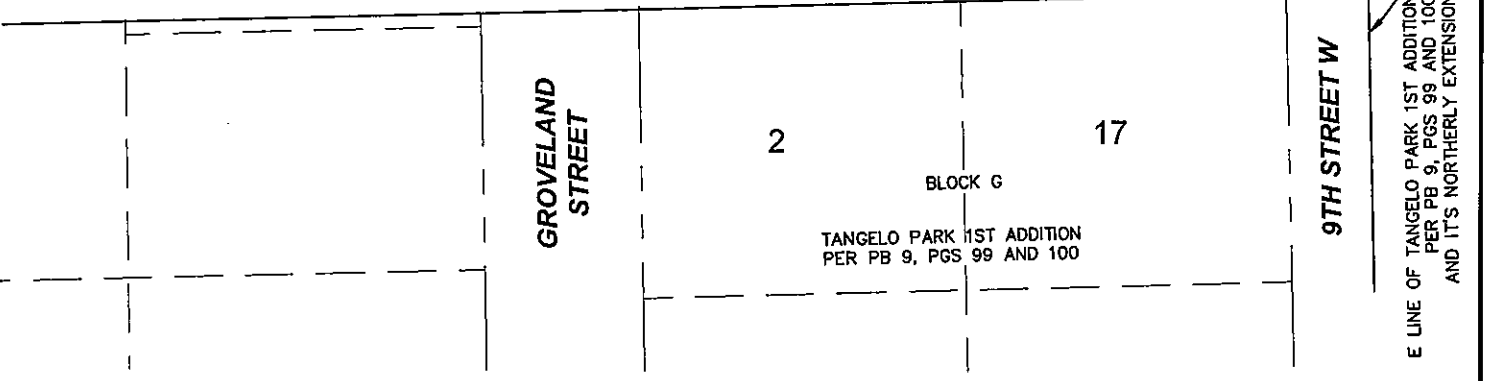
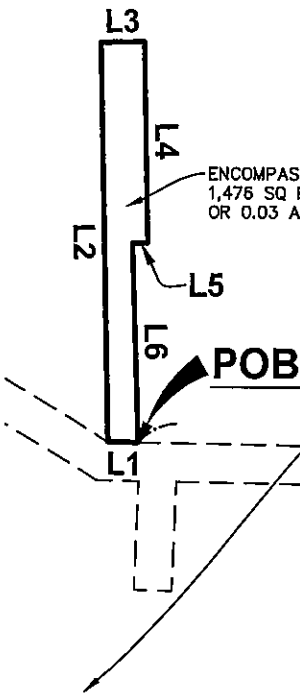
N 89°03'47" W 389.72'

12' WATERLINE EASEMENT PER ORB 1305, PG 3092, 3110, 3134, & 3146

NORTHERLY LINE OF 12'
WATERLINE ESMT
ORB 1305, AT PG 3092,
3110, 3134, & 3146 AND
IT'S EASTERLY EXTENSION

E LINE OF THE NE 1/4 OF THE NW 1/4 OF
SEC 11, T35S, R17E ALSO BEING THE EAST LINE OF
TANGALO PARK 1ST ADDITION PER PB 9, PGS 99 AND 100
AND IT'S NORTHERLY EXTENSION

E LINE OF TANGALO PARK 1ST ADDITION
PER PB 9, PGS 99 AND 100
AND IT'S NORTHERLY EXTENSION



TITLE BLOCK ABBREVIATIONS
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NOT VALID WITHOUT
SHEETS 1 AND 2 OF 2.

Date: 6/30/15

Job No. D6055

Drawn by: JTF

Scale: 1"=60'

File: D6055 TRANS.DWG

Prepared By:
CPH, Inc.



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Arch. Lic. No. AA2600926
Landscape Lic. No. LC0000298

DDR - WATERLINE EASEMENT
CORTEZ PLAZA
SECTION 11-TOWNSHIP 35 SOUTH-RANGE 17 EAST
MANATEE COUNTY, FLORIDA

Sheet

2

2 of 2

SKETCH AND DESCRIPTION