

EXHIBIT A TO RESOLUTION 21-08

Return to:
Rob Brzak
Engineering Department
City of Clearwater
P. O. Box 4748
Clearwater, FL 33758-4748

BOARDWALK EASEMENT

THIS BOARDWALK EASEMENT (the "Easement") is entered into this ____ day of _____, 20____, by and between NESC LLC, a Delaware limited liability company, whose mailing address is c/o Norwich Partners of Sanibel, 500 Sawgrass Place, Sanibel, Florida 33957 ("Grantor") and the CITY OF CLEARWATER, FLORIDA, a Florida Municipal Corporation, whose mailing address is 600 Cleveland Street, Ste. 600, Clearwater, Florida 33755 ("Grantee").

WHEREAS, Grantee entered into that certain Development Agreement (the "Development Agreement") with Louis Developments LLC, a Florida limited liability company (the "Developer") dated July 27, 2012 and recorded in O.R. Book 17666, Page 1833, Public Records of Pinellas County, Florida; and

WHEREAS, Grantor is the successor to the Developer and Grantee and Grantor entered into that certain Amendment to Development Agreement dated January 22, 2018 and recorded in O.R. Book 20412, Page 2230, Public Records of Pinellas County, Florida; and

WHEREAS, Paragraph 6.2.3 of the Development Agreement contemplates that Developer will construct and maintain a boardwalk (the "Boardwalk") and to permit the general public to use the Boardwalk and further contemplates that Developer grant an easement in favor of Grantee at the north end of the Boardwalk so as to connect the Boardwalk to East Shore Drive; and

WHEREAS, Grantor and Grantee have agreed to the terms of the Boardwalk Easement as set forth herein;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid, the receipt of which is hereby acknowledged, and the benefits to be derived there from, Grantor does hereby grant and convey to the Grantee, its licensees, agents, successors and assigns a non-exclusive easement over, under, across and through the following described land lying and being situate in the County of Pinellas, State of Florida, to wit:

See Composite Exhibit A appended hereto and by this reference made a part hereof ("Easement Premises")

1. Recitals. The above recitals are accurate, true and correct and are incorporated herein by reference.
2. Use. The Boardwalk shall be constructed over and upon the Easement Premises and the general public shall be permitted to enter upon, exit and traverse the Boardwalk at all times. The Grantee shall have open and unobscured access to the Easement Premises and therefore the Grantee shall not encroach the Easement Premises with any private uses.
3. Upkeep and Maintenance. The general, daily and regular upkeep and maintenance of the Boardwalk shall be the duty and responsibility of the Grantee. All structural upkeep, maintenance, and replacement of the Boardwalk shall be the duty and responsibility of the Grantor.
4. Warranties. Grantor warrants and covenants with Grantee that Grantor is the owner of fee simple title to the herein described Easement Premises, and that Grantor has full right and lawful authority to

grant and convey this easement to Grantee, and that Grantee shall have the non-exclusive, limited purpose quiet and peaceful possession, use and enjoyment of this easement. It is expressly understood that Grantor reserves all rights of ownership of the Easement Premises not inconsistent with the easement rights granted herein.

5. Indemnity. Grantee hereby indemnifies and agrees to defend, at Grantor's option, and hold harmless Grantor, its successors and assigns, and its/ their directors, officers, employees, agents, stockholders, and affiliates, from and against any and all claims for injury, death, and damage brought in connection with the use of the Boardwalk by the general public at large; provided, however, that this indemnification and hold harmless agreement shall not relieve Grantor of any liability for its negligence in maintaining the Boardwalk, or any willful or wanton acts by Grantor or those under the authority or control of Grantor. In the event that Grantor elects for Grantee to defend Grantor, Grantee will not settle any claim or action without first obtaining the written consent of Grantor. All expenses incurred by Grantor to enforce this indemnification, and all costs of defending any third party claims or actions brought against the Grantor pursuant to this Easement will be the sole responsibility of the Grantee. Nothing herein shall be construed as consent by the Grantee to be sued by third parties, or as a waiver or modification of the provisions or limits of Section 768.28, Florida Statutes or the Doctrine of Sovereign Immunity.

6. Relocation. In the event Grantor, its successors or assigns, should ever determine it necessary to relocate Grantee's Boardwalk constructed within the Easement Premises to facilitate further development or redevelopment of the property encumbered hereby; then Grantor, its successors or assigns, in consultation with and upon approval of Grantee, shall provide an alternate easement for the Boardwalk constructed within the Easement Premises, and shall at Grantor's sole cost and expense reconstruct the Boardwalk within the alternate easement. Upon completion of the Boardwalk relocation Grantee shall cause this easement to be vacated and evidence of vacation duly recorded in the public records of Pinellas County, Florida.

7. Successors and Assigns. This easement is binding upon the Grantor, the Grantee, their heirs, successors and assigns. The rights granted herein shall be perpetual and irrevocable and shall run with the land, except by the written mutual agreement of both parties, or by abandonment of the Easement Premises by Grantee.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the undersigned grantor has caused these presents to be duly executed
this 1 day of February, 2021.

Signed, sealed and delivered
in the presence of:

NESC LLC, a Delaware limited liability
company, Grantor

[Signature]
Witness signature

Loretta Leatherwood
Print witness name

[Signature]
Witness signature

Dustin Dariano
Print witness name

[Signature]

Signature of Officer

David Leatherwood, Managing Member
Printed Name & Title of Officer

STATE OF FLORIDA :
Lee : ss
COUNTY OF PINELLAS :

Before me, the undersigned authority, personally appeared an officer of NESC LLC, a Delaware limited liability company, who executed the foregoing instrument, and who acknowledged the execution thereof to be his/her free act and deed personally, for the use and purposes herein set forth, and who ☒ is personally known to me, or who ☐ did produce _____ as identification.

[Signature]
Notary Public - State of Florida

Dustin Dariano
Type/Print Name

My commission expires: 12/25/21



Signed, sealed and delivered
in the presence of:

NESC LLC, a Delaware limited liability
company, Grantor

[Signature]
Witness signature

Loretta Leatherwood
Print witness name

[Signature]
Witness signature

Dustin Dariano
Print witness name

[Signature]
Signature of Officer

David Leatherwood, Managing Member
Printed Name & Title of Officer

STATE OF FLORIDA :
Lee : ss
COUNTY OF PINELLAS :

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[Signature]
Notary Public - State of Florida

My commission expires: 12/25/21

Dustin Dariano
Type/Print Name



THIS IS NOT A SURVEY.

SEC. 8, TWP. 29 S., RNG. 15 E.
PINELLAS COUNTY, FLORIDA

THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY
THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

EXHIBIT A

DESCRIPTION:

A PORTION THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 20161, PAGE 2669, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING LOTS 8, 9, 10, 11 AND 12, BLOCK C, A REPLAT OF BLOCK "A" AND LOTS 1 TO 15 INCL. BLOCK "B" OF CLEARWATER BEACH PARK FIRST ADDITION, AS RECORDED IN PLAT BOOK 21, PAGE 21, OF SAID PUBLIC RECORDS, TOGETHER WITH ALL LAND AND SUBMERGED LANDS LYING EAST OF SAID LOTS, BEING BOUNDED ON THE EAST BY THE WESTERN BOUNDARY OF THE CHANNEL IN CLEARWATER BAY, LYING IN SECTION 8, TOWNSHIP 29 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE N90°00'00"E, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 130.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N90°00'00"E, ALONG SAID NORTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 7.04 FEET; THENCE S83°42'36"E, A DISTANCE OF 8.00 FEET; THENCE S06°03'36"W, A DISTANCE OF 56.54 FEET; THENCE S06°20'25"W, A DISTANCE OF 244.96 FEET; THENCE S23°24'47"E, A DISTANCE OF 13.48 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 12; THENCE N90°00'00"W, ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 21.82 FEET; THENCE N06°20'25"E, A DISTANCE OF 259.04 FEET; THENCE N06°03'36"E, A DISTANCE OF 55.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,760 SQUARE FEET, (0.109 ACRE), MORE OR LESS

NOTES:

1. BEARINGS FOR THIS SKETCH OF DESCRIPTION ARE BASED ON THE NORTH LINE OF LOT 8, BLOCK C, A REPLAT OF BLOCK "A" AND LOTS 1 TO 15 INCL. BLOCK "B" OF CLEARWATER BEACH PARK FIRST ADDITION, AS RECORDED IN PLAT BOOK 21, PAGE 21, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. HAVING A BEARING OF N90°00'00"E.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
3. THIS SKETCH OF DESCRIPTION IS BASED ON U.S. SURVEY FEET.
4. THIS SKETCH OF DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD. THE GEOMETRY AS DESCRIBED ON THE RECORDED DOCUMENTS AS NOTED HEREIN AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

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

Dana A. Wyllie 1/18/2021
DANA A. WYLLIE, PSM, LS 5874

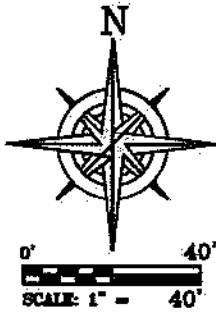
SKETCH OF DESCRIPTION
455 EAST SHORE DRIVE
CLEARWATER

CITY OF CLEARWATER

FLORIDA

WORK ORDER	2021-2
DATE	1/18/2021
DRAWN	LKC
SCALE	NO SCALE
SHEET NO.	1 OF 2

THIS IS NOT A SURVEY.
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NOTES:

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5. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/40 OR SMALLER.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	$N90^{\circ}00'00''E$	7.04'
L2	$S83^{\circ}42'36''E$	8.00'

LEGEND

(L)	LEGAL DESCRIPTION
L#	LINE - SEE LINE TABLE
LB	LICENSED BUSINESS
No.	NUMBER
OR	OFFICIAL RECORD BOOK
(P)	PLAT BOOK 21, PAGE 21
PB	PLAT BOOK
(PCPAO)	PINELLAS COUNTY PROPERTY APPRAISER'S WEB SITE DATA
PG	PAGE/PAGES
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PSM	PROFESSIONAL SURVEYOR & MAPPER
R/W	RIGHT-OF-WAY
RNG.	RANGE
SEC.	SECTION
TWP.	TOWNSHIP

EAST SHORE DRIVE(P)
60' RIGHT-OF-WAY(P)

PAPAYA ST(PCPAO)
PALM ST(P)

CLEARWATER HARBOR(P)
SUBMERGED LANDS(L)

SEC. 8, TWP. 29 S., RNG. 15 E.
LOT 7
PINELLAS COUNTY, FLORIDA

(BEARING BASIS)
 $N90^{\circ}00'00''E$ 130.59'
130.84'(P)
POB
NORTH LINE OF LOT 8
LOT 8

$N06^{\circ}03'36''E$ 55.79'
 $S06^{\circ}03'36''W$ 56.54'

EASTERLY EXTENSION
OF NORTH LINE
OF LOT 8

15.00'

A REPLAT OF BLOCK "A" AND LOTS 1 TO
15 INCL. BLOCK "B" OF CLEARWATER
BEACH PARK FIRST ADDITION
(PB 21, PG 21)

LOT 10

259.04'
4,760 SQUARE FEET
(0.109± ACRE)

LOT 11

$N06^{\circ}20'25''E$ 259.04'
 $S06^{\circ}20'25''W$ 244.96'

EAST LINE
OF BLOCK C

LOT 12
EASTERLY EXTENSION
OF SOUTH LINE
OF LOT 12

SOUTH LINE
OF LOT 12

$N90^{\circ}00'00''W$ 21.82'

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNER

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CLEARWATER, FL 33764
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WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

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

I, DANA A. WYLLIE, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.052(6) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH OF DESCRIPTION
455 EAST SHORE DRIVE
CLEARWATER

CITY OF CLEARWATER

FLORIDA

WORK ORDER	2021-2
DATE	1/18/2021
DRAWN	LKC
SCALE	1" = 40'
SHEET NO.	2 OF 2

THIS IS NOT A SURVEY.

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BEGIN AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE N90°00'00"E, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 130.59 FEET; THENCE DEPARTING SAID NORTH LINE S06°03'36"W, A DISTANCE OF 5.03 FEET; THENCE N90°00'00"W, A DISTANCE OF 130.63 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE N06°29'00"E, ALONG SAID WEST LINE, A DISTANCE OF 5.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 653 SQUARE FEET, (0.015 ACRE) MORE OR LESS

NOTES:

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Dana A. Willie 1/18/2021
DANA A. WILLIE, PSM, LS 5874

SKETCH OF DESCRIPTION
455 EAST SHORE DRIVE
CLEARWATER

CITY OF CLEARWATER

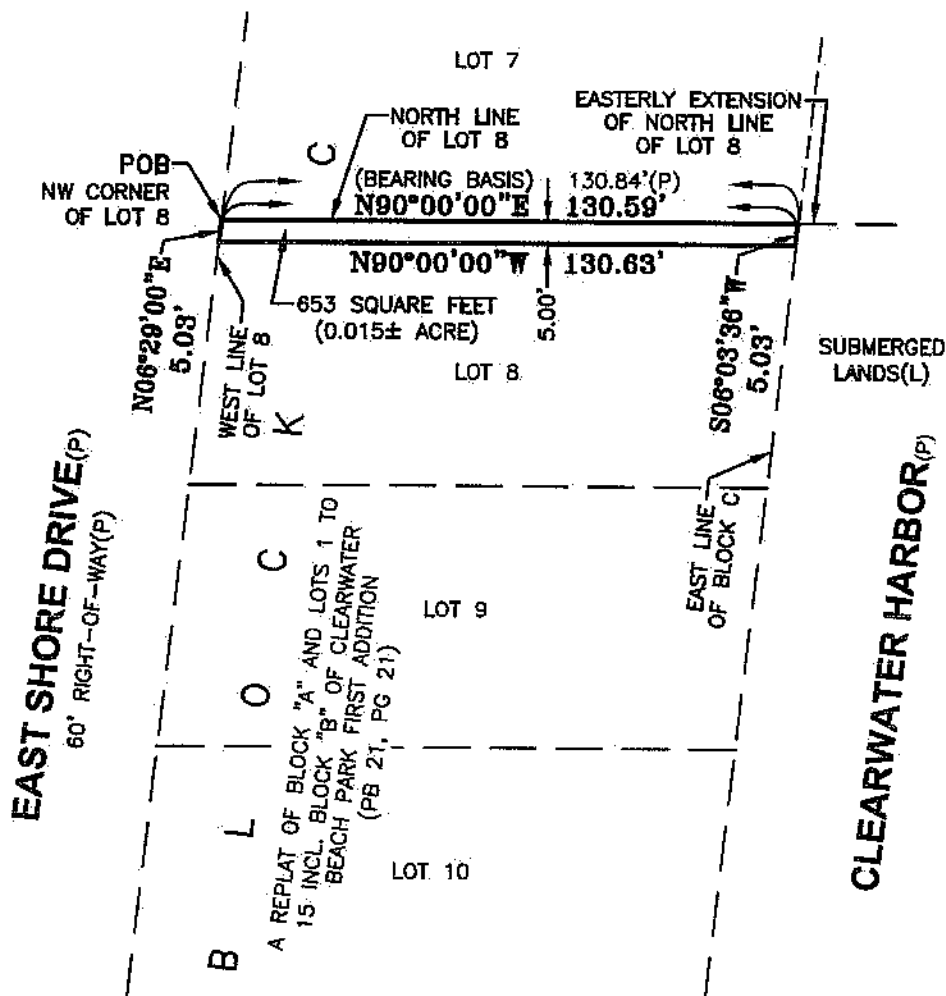
FLORIDA

WORK ORDER	2021-2
DATE:	1/18/2021
DRAWN:	LKC
SCALE:	NO SCALE
SHEET NO.	1 OF 2

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SEC. 8, TWP. 29 S., RNG. 15 E.
PINELLAS COUNTY, FLORIDA



LEGEND

(L)	LEGAL DESCRIPTION
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No.	NUMBER
OR	OFFICIAL RECORD BOOK
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POB	POINT OF BEGINNING
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PSM	PROFESSIONAL SURVEYOR & MAPPER
R/W	RIGHT-OF-WAY
RNG.	RANGE
SEC.	SECTION
TWP.	TOWNSHIP

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DEUEL & ASSOCIATES

CONSULTING ENGINEERS

LAND SURVEYORS

LAND PLANNERS

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CITY OF CLEARWATER

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