

This Instrument Prepared by

W. James Gooding III
Gooding & Batsel, PLLC
1531 SE 36th Avenue
Ocala, FL 34471

Record and Return to:

City of Ocala/Real Estate Division
Tracy Taylor, Manager, Real Estate Office
City of Ocala, Engineering Department
201 SE 3rd Street, 2nd Floor
Ocala, Florida 34471

Rec: \$ _____

RELEASE OF TEMPORARY CONSTRUCTION EASEMENTS

THIS RELEASE OF TEMPORARY CONSTRUCTION EASEMENTS is executed by City of Ocala, Florida, a Florida municipal corporation (“City”), whose address is 201 SE 3rd Street, 2nd Floor, Ocala, Florida 34471, in favor of Cal Hearthstone Lot Option Pool 01, L.P., a Delaware limited partnership (“Current Owner”), whose mailing address is c/o Hearthstone Inc., 23975 Park Sorrento, Suite 220, Calabasas, CA 91302-4023.

WHEREAS:

- A. On or about November 11, 2009, City and Bayi, LLC, a Florida limited liability company (“Former Owner”) entered into a *Grant of Drainage, Storage and Ingress and Egress Easements* (the “Grant”) as recorded in OR Book 5278, Page 1343 through and including Page 1354.¹
- B. Pursuant to the Grant, Bayi conveyed to City certain easements (the “Main Easements”) described on Exhibit A to the Grant, to permit City to construct, operate and maintain a water and stormwater draining system pursuant to various improvements to be constructed by City – which system and improvements were referred to in the Grant and herein as the “Facilities” – within the real property described on Exhibit A to the Grant (the “Main Easement Area”).
- C. The Grant indicated that City’s rights were subject to the terms and provisions of Exhibit B to the Grant.
- D. Pursuant to paragraph 6 of Exhibit B to the Grant, City was granted temporary construction easements (the “Temporary Construction Easements”) as follows:

6 **Grantee Construction Obligations.** During the period of the construction of the Facilities Grantee shall have an additional temporary construction easement over any contiguous real property owned by Grantor located with twenty-five feet (25') of the outer boundaries of the Easement Area, which temporary construction easement shall automatically terminate upon the completion of the construction of Grantee's Facilities. Upon the termination of the temporary construction easement pursuant to the terms of this Paragraph City shall execute and deliver to Grantee a release of City's temporary construction easement rights established pursuant to the terms of this Paragraph. Grantee shall be solely responsible for full and

¹ All recording references refer to the Public Records of Marion County, Florida.

complete payment of all monies owed to all contractors, material providers, or laborers engaged to construct the Facilities on the Easement Area, and shall insure that all construction undertaken on the Easement Area complies fully with all applicable local, state and federal laws, statutes, rules and regulations.

- E. The City completed the construction of the Facilities many years prior to the date of this instrument.
- F. Although City completed construction of the Facilities years ago, the Temporary Construction Easements have never been released.
- G. The Main Easements and Temporary Construction Easements were included within real property then owned by Former Owner, and now owned by Current Owner, and described in the attached **Exhibit A**.
- H. City is executing this instrument to release the Temporary Construction Easements.

NOW THEREFORE, in consideration of the matters set forth above (which are incorporated herein by reference), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

- 1. City hereby releases the Temporary Construction Easements, i.e., all easements arising under paragraph 6 of Exhibit B to the *Grant of Drainage, Storage, and Ingress and Egress Easements* recorded in OR Book 5278, Page 1343 through and including Page 1354.
- 2. This instrument does not release, convey or otherwise affect any rights, privileges, interests or easements City has:
 - 2.1. On real property arising out of the above-described Grant other than the Temporary Construction Easements. That is, this instrument does not release the Main Easements.
 - 2.2. On the real property described in the attached **Exhibit A** arising out of other instruments.

THEREFORE, City has caused these presents to be executed in its name by its proper officers thereunto, duly authorized this _____ day of _____, 2023.

ATTEST:

City of Ocala, a Florida municipal corporation

Angel B. Jacobs
City Clerk

James P. Hilty Sr.
President, Ocala City Council

Approved as to form and legality

William E. Sexton
City Attorney

STATE OF FLORIDA
COUNTY OF MARION

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2023, by James P. Hilty Sr., as City Council President on behalf of the City of Ocala.

Notary Public, State of Florida
Name: _____
(Please print or type)

Commission Number: _____
Commission Expires: _____

Notary: Check one of the following:

- Personally known OR
- Produced Identification (if this box is checked, fill in blanks below).

Type of Identification Produced: _____

**EXHIBIT A
PROPERTY**

See attached.

LEGAL DESCRIPTION – PHASE ONE PARCEL:

A parcel of land being a portion of Section 10, Township 15 South, Range 21 East, Marion County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of the Northwest 1/4 of Section 10, Township 15 South, Range 21 East, Marion County, Florida, same being the Southeast corner of the Northeast 1/4 of Section 9, Township 15 South, Range 21 East, Marion County, Florida; thence S89°48'15"E, along the South line of said Northwest 1/4 of Section 10 (being the basis of bearings for this legal description), for 385.60 feet to the POINT OF BEGINNING; thence leaving said South line of the Northwest 1/4 of Section 10, N12°07'04"W, for 85.45 feet; thence N19°42'33"E, for 172.35 feet; thence N66°09'59"E, for 114.04 feet; thence N59°10'19"E, for 86.47 feet; thence N62°42'11"E, for 92.08 feet; thence N51°12'29"E, for 85.40 feet; thence N00°39'31"W, for 131.45 feet; thence N37°00'51"E, for 97.18 feet; thence N24°57'39"E, for 146.10 feet; thence N49°44'12"E, for 184.26 feet; thence S66°20'30"E, for 116.69 feet; thence S69°19'58"E, for 75.01 feet; thence N01°09'48"E, for 133.80 feet; thence N01°01'26"W, for 123.80 feet; thence N17°41'48"E, for 147.57 feet; thence N29°46'41"E, for 118.22 feet to the point of intersection with the North line of the South 1/2 of said Northwest 1/4 of Section 10; thence S89°49'06"E along said North line of the South 1/2 of the Northwest 1/4 of Section 10, for 184.98 feet; thence leaving said North line of the South 1/2 of the Northwest 1/4 of Section 10, N45°53'16"E, for 256.23 feet to the point of curvature of a curve concave Northwesterly; thence Northeasterly along the arc of said curve, having a radius of 700.00 feet, a central angle of 45°40'54", an arc length of 558.11 feet, and a chord bearing N23°02'50"E, for 543.44 feet to the point of tangent; thence N00°12'24"E, for 73.31 feet; thence N89°42'08"W, for 29.97 feet; thence N00°14'57"E, for 260.00 feet; thence N89°50'44"W, for 504.55 feet; thence N00°21'10"E, for 309.94 feet to the point of intersection with the North line of said Northwest 1/4 of Section 10, same being the Southwest corner of the plat of SHOPPES ON 27, according to Plat Book 12, Page 33, of the Public Records of Marion County, Florida; thence S89°50'45"E, along said North line of the Northwest 1/4 of Section 10, same being the South line of said plat of SHOPPES ON 27, the Easterly extension of said South line of the plat of SHOPPES ON 27, and the West Right-of-Way line of NW 44TH AVE,

respectively, for 1,156.08 feet; thence the following five (5) courses along said West Right-of-Way line of NW 44TH AVE; (1) thence leaving said North line of the Northwest 1/4 of Section 10, S08°08'41"E, for 377.30 feet to the point of curvature of a curve concave Westerly; (2) thence Southerly along the arc of said curve, having a radius of 905.00 feet, a central angle of 08°31'23", an arc length of 134.62 feet, and a chord bearing S03°52'59"E, for 134.50 feet to the point of tangent; (3) thence S00°22'42"W, for 1,585.00 feet to the point of curvature of a curve concave Northwesterly; (4) thence Southwesterly along the arc of said curve, having a radius of 905.00 feet, a central angle of 57°09'55", an arc length of 902.94 feet, and a chord bearing S28°57'40"W, for 865.95 feet to the point of tangent; (5) thence S57°32'37"W, for 318.00 feet; thence leaving said West Right-of-Way line of NW 44TH AVE, N32°27'22"W, for 15.01 feet; thence N39°14'10"W, for 196.79 feet; thence N58°18'43"W, for 50.00 feet to the point of intersection with a non-tangent curve, concave Northwesterly; thence Southwesterly along the arc of said curve, with a radial bearing of N58°18'43"W, having a radius of 700.00 feet, a central angle of 20°04'36", an arc length of 245.28 feet, and a chord bearing S41°43'35"W, for 244.03 feet, to the point of reverse curvature of a curve concave Southeasterly; thence Southwesterly along the arc of said curve, having a radius of 1,200.00 feet, a central angle of 16°56'45", an arc length of 354.91 feet, and a chord bearing S43°17'31"W, for 353.62 feet, to the point of intersection with a non-tangent line; thence N63°06'45"W, for 84.99 feet; thence N40°52'19"W, for 69.47 feet; thence N78°41'13"W, for 72.49 feet; thence N82°33'15"W, for 134.35 feet; thence S75°06'55"W, for 58.69 feet; thence S80°16'34"W, for 86.77 feet; thence S66°33'45"W, for 40.89 feet; thence N68°53'01"W, for 202.65 feet; thence N21°20'36"W, for 105.79 feet; thence N49°59'40"W, for 82.09 feet; thence N39°26'01"W, for 117.44 feet; thence N01°12'49"W, for 118.29 feet; thence N12°07'04"W, for 122.55 feet to the POINT OF BEGINNING.

Containing 4,124,227 square feet or 94.679 acres, more or less.

LEGAL DESCRIPTION - PHASE TWO PARCEL:

A parcel of land being a portion of Section 9 and Section 10, Township 15 South, Range 21 East, Marion County, Florida, being more particularly described as follows:

Begin at the Southwest corner of the Northwest 1/4 of Section 10, Township 15 South, Range 21 East, Marion County, Florida, same being the Southeast corner of the Northeast 1/4 of Section 9, Township 15 South, Range 21 East, Marion County, Florida; thence N89°33'49"W, along the

South line of said Northeast 1/4 of Section 9 (being the basis of bearings for this legal description), for 117.57 feet; thence leaving said South line of the Northeast 1/4 of Section 9, N28°57'50"W, for 28.80 feet; thence N44°54'04"E, for 132.16 feet; thence N58°30'15"E, for 51.44 feet; thence N44°54'04"E, for 120.00 feet; thence N45°05'56"W, for 120.00 feet to the point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 280.00 feet, a central angle of 45°00'00", an arc length of 219.91 feet, and a chord bearing N22°35'56"W, for 214.30 feet to the point of tangent; thence N00°05'56"W, for 262.70 feet to the point of curvature of a curve concave Southeasterly; thence Northeasterly along the arc of said curve, having a radius of 230.00 feet, a central angle of 90°16'50", an arc length of 362.41 feet, and a chord bearing N45°02'29"E, for 326.06 feet to the point of tangent; thence S89°49'06"E, for 645.40 feet; thence S60°38'59"E, for 132.22 feet; thence S85°09'43"E, for 62.51 feet; thence S39°10'34"E, for 56.66 feet; thence S49°44'12"W, for 184.26 feet; thence S24°57'39"W, for 146.10 feet; thence S37°00'51"W, for 97.18 feet; thence S00°39'31"E, for 131.45 feet; thence S51°12'29"W, for 85.40 feet; thence S62°42'11"W, for 92.08 feet; thence S59°10'19"W, for 86.47 feet; thence S66°09'59"W, for 114.04 feet; thence S19°42'33"W, for 172.35 feet; thence S12°07'04"E, for 208.00 feet; thence S01°12'49"E, for 118.29 feet; thence S39°26'01"E, for 117.44 feet; thence S49°59'40"E, for 82.09 feet; thence S21°20'36"E, for 105.79 feet; thence S68°53'01"E, for 202.65 feet; thence N66°33'45"E, for 40.89 feet; thence N80°16'34"E, for 86.77 feet; thence N75°06'55"E, for 58.69 feet; thence S82°33'15"E, for 134.35 feet; thence S78°41'13"E, for 72.49 feet; thence S40°52'19"E, for 69.47 feet; thence S63°06'45"E, for 84.99 feet to the point of intersection with a non-tangent curve, concave Southeasterly; thence Northeasterly along the arc of said curve, with a radial bearing of S55°10'51"E, having a radius of 1,200.00 feet, a central angle of 16°56'45", an arc length of 354.91 feet, and a chord bearing N43°17'31"E, for 353.62 feet, to the point of reverse curvature of a curve concave Northwesterly; thence Northeasterly along the arc of said curve, having a radius of 700.00 feet, a central angle of 20°04'36", an arc length of 245.28 feet, and a chord bearing N41°43'35"E, for 244.03 feet, to the point of intersection with a non-tangent line; thence S58°18'43"E, for 50.00 feet; thence S39°14'10"E, for 196.79 feet; thence S32°27'22"E, for 15.01 feet to the point of intersection with the West Right-of-Way line of NW 44TH AVE; thence the following three (3) courses along said West Right-of-Way line of NW 44TH AVE; (1) thence S57°32'37"W, for 159.00 feet to the point of curvature of a curve concave Southeasterly; (2) thence Southwesterly along the arc of said curve, having a radius of 1,005.00

feet, a central angle of $57^{\circ}08'13''$, an arc length of 1,002.21 feet, and a chord bearing $S28^{\circ}58'31''W$, for 961.20 feet to the point of tangent; (3) thence $S00^{\circ}24'24''W$, for 19.71 feet to the point of intersection with the South line of the North 1/2 of the Southwest 1/4 of Section 10, Township 15 South, Range 21 East, Marion County Florida; thence leaving said West Right-of-Way line of NW 44TH AVE, $N89^{\circ}40'51''W$, along said South line of the North 1/2 of the Southwest 1/4 of Section 10 and the North line of the plat of OCALA INTERNATIONAL COMMERCE PARK PHASE TWO, as recorded in Plat Book 8, Page 88, of the Public Records of Marion County, Florida, respectively, for 1,275.42 feet to the Southwest corner of said North 1/2 of the Southwest 1/4 of Section 10; thence leaving said North line of the plat of OCALA INTERNATIONAL COMMERCE PARK PHASE TWO, $N00^{\circ}29'07''E$, along the West line of the Southwest 1/4 of Section 10, for 1,321.73 feet to the POINT OF BEGINNING.

Containing 2,162,082 square feet or 49.635 acres, more or less.