

THIS DOCUMENT PREPARED  
BY AND RETURN TO:

W. WILLIAM LI  
PAPPAS, METCALF, JENKS & MILLER, P.A.  
245 RIVERSIDE AVENUE, SUITE 400  
JACKSONVILLE, FLORIDA 32202

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made as of the 28th day of December, 2005, by **THE RESERVE, LLC**, a Delaware limited liability company, whose address for notice purposes is 10739 Deerwood Park Boulevard, Suite 300, Jacksonville, Florida 32256 (the "Grantor") to **FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS** (the "Grantee").

**RECITALS:**

A. Grantor and Grantee entered into that certain Agreement for Conveyance of Environmentally Sensitive Land between Grantor and Grantee dated as of December 19, 2005 (the "Conveyance Agreement"), copies of which Conveyance Agreement are in the possession of Grantor and Grantee, pursuant to which Conveyance Agreement Grantor agreed to convey to Grantee certain real property consisting of 266 +/- acres, which actually consists of approximately 346 acres and is more particularly described on **Exhibit "A"** attached hereto (the "Property").

B. Grantor desires to convey the Property to Grantee subject to the terms of the Conveyance Agreement.

**NOW THEREFORE**, that in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns, the Property.

**TO HAVE AND TO HOLD**, the same in fee simple forever.

**SUBJECT TO** taxes for the year 2006 and subsequent years and easements, covenants, restrictions and other matters of record (the "Permitted Encumbrances").

Grantor hereby covenants with Grantee that, except for the Permitted Encumbrances and reservations contained herein, the Property is free from all encumbrances placed on the Property by Grantor and that Grantor hereby fully warrants the title to said Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor (except for claims made pursuant to the Permitted Encumbrances), but against none other.

Pursuant to the terms of the Conveyance Agreement, Grantor hereby reserves for itself, its successors and assigns, the following rights with respect to the Property:

1. Pursuant to Section 2 of the Conveyance Agreement, the right to use the Property for stormwater management, excluding lakes or ponds, and wetland impact mitigation as approved by the applicable permitting agencies.

2. Pursuant to Section 4 of the Conveyance Agreement, all easement(s) necessary for use of the Property by Grantor for storm water management or wetland impact mitigation, provided any use of the Property for storm water management or wetland impact mitigation are acceptable to the applicable permitting agencies. Such rights reserved by Grantor shall include the right to enter upon the Property in a reasonable manner and at reasonable times to monitor and maintain the Property for the purposes set forth herein.

3. Pursuant to Section 6 of the Conveyance Agreement, the right to reclaim ownership of the Property in the event the St. Johns River Water Management District or the Army Corps of Engineers denies use of the Property for the purposes set forth herein due solely to the Grantee's ownership of the Property.


Grantor reserves the right to assign, partially or in its entirety, Grantor's rights and obligations under this Special Warranty Deed to its specifically designated successor or assign, including but not limited Levitt and Sons of Flagler County, LLC ("Levitt"), in the form of a recorded partial assignment from Grantor.

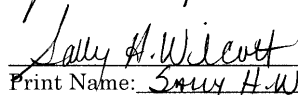
By acceptance and execution of this Special Warranty Deed, Grantee hereby agrees to the terms and provisions of this Special Warranty Deed.

*[THIS SPACE INTENTIONALLY LEFT BLANK]*

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed sealed and delivered  
in the presence of:

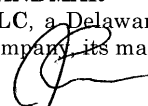
  
Print Name: Cary Szepek

  
Print Name: Sally H. Wilcott

**THE RESERVE, LLC**, a Delaware  
limited liability company

By: **LANDMAR GROUP, LLC**, a  
Delaware limited liability  
company, its sole member

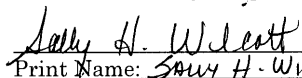
By: **LANDMAR MANAGEMENT,  
LLC**, a Delaware limited liability  
company, its manager

By:   
James T. Cullis  
Its Vice President

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of  
December, 2005, by James T. Cullis, as Vice President of LandMar Management,  
LLC, a Delaware limited liability company, the manager of LandMar Group, LLC, a  
Delaware limited liability company, the sole member of The Reserve, LLC, a  
Delaware limited liability company, on behalf of the limited liability companies.

  
Print Name: Sally H. Wilcott



NOTARY PUBLIC

State of Florida

Commission # \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Personally Known ☒ or

Produced ID ☐

Type of Identification Produced:

Signed sealed and delivered  
in the presence of:

Lisa Bates  
Print Name: LISA BATES

Eileen Knowles  
Print Name: EILEEN KNOWLES

FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS

12.27.05  
By: James A. Darby  
Print Name: JAMES A. DARBY  
Its: CHAIRMAN

STATE OF FLORIDA

COUNTY OF Flagler

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of  
December, 2005, by James A. Darby, the Chairman of Flagler County Board of  
County Commissioners.



KELLY S. FRESHCORN  
Notary Public, State Of Florida  
My Commission Expires 8/27/08  
Commission No. FD42173

Kelly S. Freshcorn  
Print Name: Kelly S. Freshcorn

NOTARY PUBLIC

State of Florida

Commission # DD342173

My Commission Expires: 8/27/08

Personally Known ☒ or

Produced ID ☐

Type of Identification Produced:

Exhibit "A"[Property]

A PART OF GOVERNMENT SECTIONS 19, 29, 30, 31 AND 32, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING PART OF PARCELS 409, 413 AND 414, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT SECTION 32; THENCE SOUTH 00°45'50" WEST ALONG THE WEST LINE OF SAID SECTION 32, A DISTANCE OF 1224.55 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS BOULEVARD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 54°30'21" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 229.58 FEET; THENCE NORTH 10°25'15" WEST LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1477.45 FEET; THENCE NORTH 67°02'24" WEST, A DISTANCE OF 608.95 FEET; THENCE SOUTH 81°29'48" WEST, A DISTANCE OF 1119.30 FEET; THENCE NORTH 89°31'11" WEST, A DISTANCE OF 3651.63 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE PLAT OF KANKAKEE RUN - SECTION 65 SEMINOLE WOODS AS RECORDED IN MAP BOOK 17 PAGES 56 THROUGH 67 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY BOUNDARY OF SAID PLAT THE FOLLOWING FOUR (4) COURSES: COURSE NO. 1) NORTH 00°00'34" WEST, A DISTANCE OF 576.63 FEET; COURSE NO. 2) NORTH 13°25'12" WEST, A DISTANCE OF 302.87 FEET; COURSE NO. 3) NORTH 76°34'51" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 150.00 FEET; COURSE NO. 4) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 235.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 31°34'51" EAST AND A CHORD DISTANCE OF 212.13 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 87°28'01" EAST LEAVING SAID PLAT BOUNDARY, A DISTANCE OF 1178.98 FEET; THENCE NORTH 24°50'47" WEST, A DISTANCE OF 1083.80 FEET TO A POINT ON A NON-TANGENT CURVE, HAVING A RADIUS OF 1222.13 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 723.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 05°13'37" WEST AND A CHORD DISTANCE OF 713.31 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1563.94 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1472.14 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 31°57'32" WEST AND A CHORD DISTANCE OF 1418.39 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 54°49'14" WEST, A DISTANCE OF 612.98 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 52 OF SAID KANKAKEE RUN; THENCE SOUTH 88°57'47" WEST ALONG THE BOUNDARY OF SAID KANKAKEE RUN, A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF LOT 20, BLOCK 51 OF SAID KANKAKEE RUN; THENCE NORTH 01°02'13" WEST ALONG THE EASTERLY BOUNDARY OF SAID KANKAKEE RUN, A DISTANCE OF 1427.80 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BELLE TERRE BOULEVARD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 89°39'08" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 456.42 FEET

TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 5769.12 FEET; THENCE EASTERLY CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 100.69 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 89°09'08" EAST AND A CHORD DISTANCE OF 100.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 89°39'08" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 211.08 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1500.00 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 468.25 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 79°42'34" EAST AND A CHORD DISTANCE OF 466.35 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 80°07'48" EAST LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 845.50 FEET; THENCE SOUTH 71°00'54" EAST, A DISTANCE OF 1554.29 FEET; THENCE SOUTH 06°40'33" EAST, A DISTANCE OF 66.40 FEET; THENCE SOUTH 50°24'38" EAST, A DISTANCE OF 390.44 FEET; THENCE SOUTH 34°43'35" EAST, A DISTANCE OF 200.98 FEET; THENCE SOUTH 14°23'09" EAST, A DISTANCE OF 498.13 FEET; THENCE NORTH 86°33'58" EAST, A DISTANCE OF 1535.86 FEET; THENCE NORTH 74°58'14" EAST, A DISTANCE OF 1393.40 FEET; THENCE SOUTH 08°33'17" EAST, A DISTANCE OF 1204.63 FEET; THENCE SOUTH 21°31'33" EAST, A DISTANCE OF 231.71 FEET; THENCE SOUTH 19°36'50" WEST, A DISTANCE OF 119.80 FEET; THENCE SOUTH 23°03'10" EAST, A DISTANCE OF 266.90 FEET; THENCE NORTH 61°27'01" EAST, A DISTANCE OF 72.25 FEET; THENCE SOUTH 21°31'33" EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 24°44'50" EAST, A DISTANCE OF 109.86 FEET; THENCE SOUTH 02°50'42" EAST, A DISTANCE OF 443.43 FEET; THENCE SOUTH 38°46'38" EAST, A DISTANCE OF 155.36 FEET; THENCE SOUTH 05°31'05" EAST, A DISTANCE OF 521.33 FEET; THENCE NORTH 73°59'21" EAST, A DISTANCE OF 259.08 FEET; THENCE NORTH 30°18'30" EAST, A DISTANCE OF 338.21 FEET; THENCE NORTH 56°02'13" EAST, A DISTANCE OF 256.60 FEET; THENCE NORTH 17°18'02" WEST, A DISTANCE OF 245.64 FEET; THENCE NORTH 87°58'47" WEST, A DISTANCE OF 188.15 FEET; THENCE NORTH 43°23'44" WEST, A DISTANCE OF 70.31 FEET; THENCE NORTH 15°25'25" EAST, A DISTANCE OF 131.43 FEET; THENCE NORTH 08°57'10" WEST, A DISTANCE OF 221.74 FEET; THENCE NORTH 87°20'40" EAST, A DISTANCE OF 215.08 FEET; THENCE SOUTH 61°08'13" EAST, A DISTANCE OF 365.39 FEET; THENCE NORTH 12°27'20" WEST, A DISTANCE OF 282.17 FEET; THENCE NORTH 22°28'43" EAST, A DISTANCE OF 424.41 FEET; THENCE NORTH 28°35'48" WEST, A DISTANCE OF 795.82 FEET; THENCE SOUTH 54°59'59" WEST, A DISTANCE OF 426.05 FEET; THENCE SOUTH 17°21'11" EAST, A DISTANCE OF 363.39 FEET; THENCE SOUTH 27°42'03" EAST, A DISTANCE OF 252.43 FEET; THENCE SOUTH 43°50'42" EAST, A DISTANCE OF 194.13 FEET; THENCE SOUTH 03°24'22" WEST, A DISTANCE OF 68.13 FEET; THENCE SOUTH 89°33'00" WEST, A DISTANCE OF 376.08 FEET; THENCE NORTH 40°54'31" WEST, A DISTANCE OF 373.09 FEET; THENCE NORTH 07°01'37" WEST, A DISTANCE OF 373.59 FEET; THENCE NORTH 27°35'02" EAST, A DISTANCE OF 477.92 FEET; THENCE NORTH 83°09'02" WEST, A DISTANCE OF 296.11 FEET; THENCE NORTH 39°33'00" WEST, A DISTANCE OF 205.29 FEET; THENCE NORTH 16°56'05" EAST, A DISTANCE OF 492.36 FEET; THENCE NORTH

75°07'44" EAST, A DISTANCE OF 547.25 FEET; THENCE SOUTH 24°13'34" EAST, A DISTANCE OF 1824.65 FEET; THENCE SOUTH 03°31'05" EAST, A DISTANCE OF 1951.81 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID SEMINOLE WOODS BOULEVARD; THENCE SOUTH 64°15'15" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 771.72 FEET; THENCE NORTH 06°32'52" WEST LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 503.88 FEET; THENCE NORTH 74°26'31" WEST, A DISTANCE OF 350.75 FEET; THENCE SOUTH 89°59'26" WEST, A DISTANCE OF 1033.69 FEET; THENCE SOUTH 00°00'34" EAST, A DISTANCE OF 1283.56 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS BOULEVARD; THENCE SOUTH 64°15'15" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 548.03 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2000.00 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 340.28 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 59°22'48" WEST AND A CHORD DISTANCE OF 339.87 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 54°30'21" WEST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 914.82 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT FLORIDA WATER SERVICES CORPORATION WELL SITE LW-14 AS RECORDED IN OFFICIAL RECORDS BOOK 225 PAGE 814 AND OFFICIAL RECORDS BOOK 601 PAGE 1972 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 1, BLOCK 48 OF THE PLAT OF KANKAKEE RUN - SECTION 65 SEMINOLE WOODS, AS RECORDED IN MAP BOOK 17, PAGES 56 THROUGH 67 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°02'13" EAST ALONG THE EAST LINE OF SAID KANKAKEE RUN, A DISTANCE OF 384.62 FEET; THENCE NORTH 88°57'47" EAST LEAVING SAID EAST LINE, A DISTANCE OF 153.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°57'47" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 01°02'13" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 88°57'47" WEST, A DISTANCE OF 60.00 FEET; THENCE NORTH 01°02'13" WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THAT FLORIDA WATER SERVICES CORPORATION WELL SITE LW-21 AS RECORDED IN OFFICIAL RECORDS BOOK 467 PAGE 1 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 59 KANKAKEE RUN - SECTION 65, SEMINOLE WOODS AS RECORDED IN MAP BOOK 17, PAGES 56 THROUGH 67 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NORTH 13°25'12" WEST ALONG THE EAST LINE OF SAID KANKAKEE RUN, A DISTANCE OF 94.00 FEET; THENCE NORTH 76°34'48" EAST, LEAVING SAID EAST LINE, A DISTANCE OF 72.15 FEET; THENCE SOUTH 58°25'12" EAST, A DISTANCE OF 5.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 76°34'48" EAST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 13°25'12" EAST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 76°34'48" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH

13°25'12" WEST, A DISTANCE OF 70.00 FEET TO THE POINT OF  
BEGINNING.