

Prepared by:  
Mark Dowst & Associates, Inc.  
536 N. Halifax Avenue, Suite #100  
Daytona Beach, FL 32118

05/01/2009 03:12 PM  
Instrument# 2009-078409 # 1  
Book : 6349  
Page : 1107

After recording return to:  
Office of the City Attorney  
City of Daytona Beach  
301 S. Ridgewood Avenue  
Daytona Beach, FL 32114

## UTILITY EASEMENT

KNOW ALL YE MEN BY THESE PRESENTS: That MASONOVA LTD, Grantor, in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby grant and convey unto THE CITY OF DAYTONA BEACH, a municipal corporation, P.O. Box 2451, Daytona Beach, FL 32115, as Grantee, and its successors and assigns, a perpetual utility easement on, over and under the following described land, situated in the County of Volusia, Florida, to-wit:

See attached Exhibit A

To have and to hold, together with the right to enter upon said lands and to construct and maintain public utilities thereon, with other incidents which the City may deem necessary or convenient in connection therewith.

The easement right granted herein includes the right to remove any manmade structures, landscaping, screening walls and other impediments within the easement area, without cost to the City and without liability for damages to Grantor, as Grantee may deem necessary to install, maintain, remove, repair or replace such utilities.

WITNESS my hand and seal this 18<sup>th</sup> day of Feb., 2009.

After recording return to:  
Signed, sealed and delivered

Brett A. Rose  
(First Witness Signature)

Print Name: BRETT ROSE  
(First Witness)

Elizabeth D. Lindley  
(Second Witness Signature)

Print Name: Elizabeth D. Lindley  
(Second Witness)

MASONOVA LTD, Grantor

By: D. Andrew Clark  
D. Andrew Clark, President

(insert corporate seal)

STATE OF FLORIDA )  
COUNTY OF VOLUSIA )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of Feb. 2009 by D. Andrew Clark, as President of Masonova, LTD, a Florida Limited Partnership, on behalf of the corporation. (He/she) is personally known to me or who has personally produced \_\_\_\_\_ as identification.

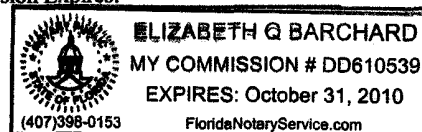
After recording return to:

Elizabeth Q. Barchard  
Notary Public  
State of Florida at Large

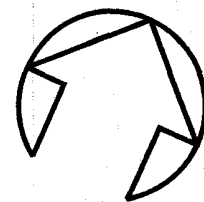
My Commission Expires:

Approved by City Attorney:

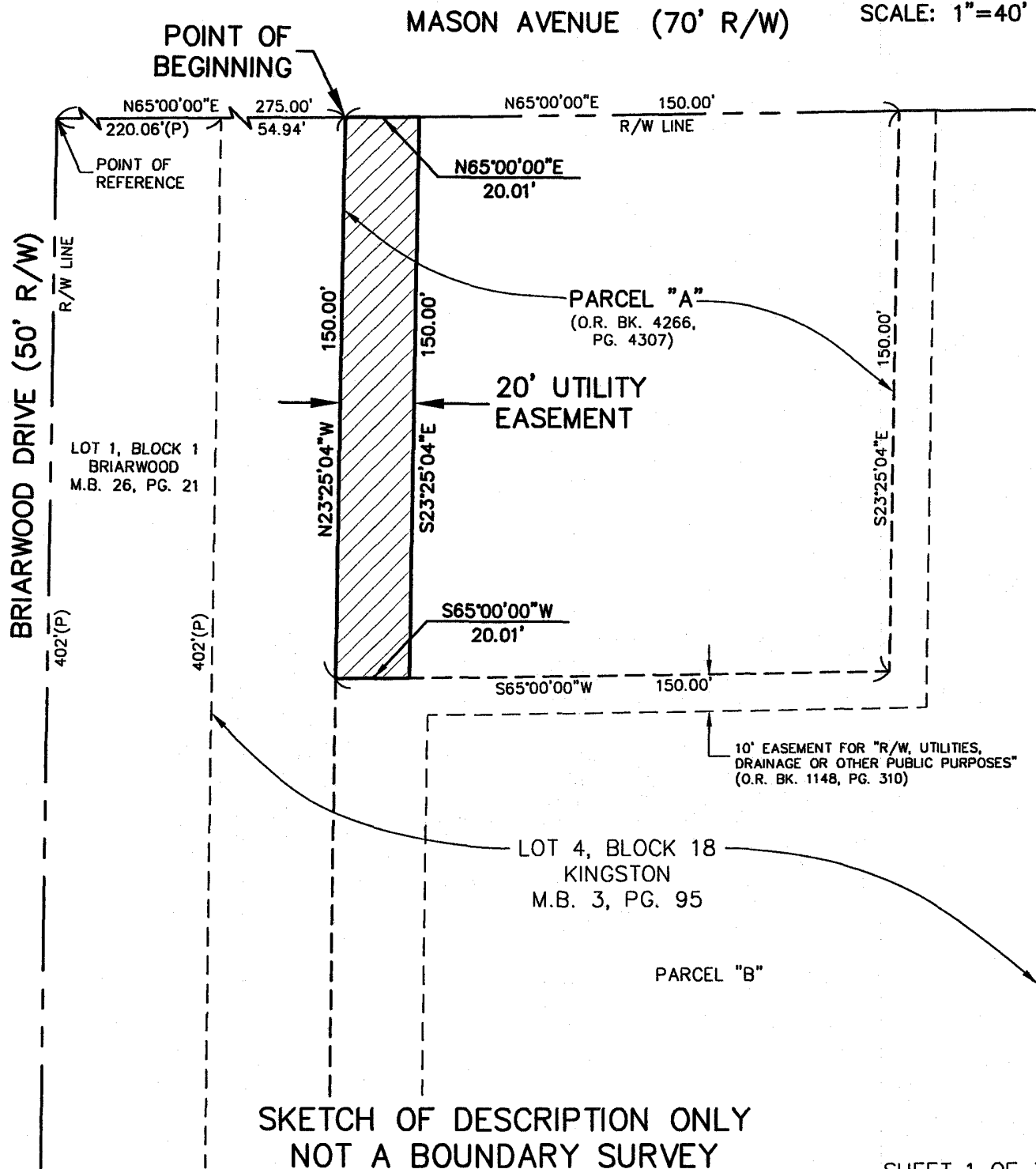
Mark Dowst



# EXHIBIT "A"

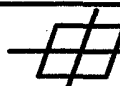


SCALE: 1"=40'



SKETCH OF DESCRIPTION ONLY  
NOT A BOUNDARY SURVEY

SHEET 1 OF 3



**MARK DOWST & ASSOCIATES, INC.**

\* ENGINEERS PLANNERS SURVEYORS LB#4335 \*

536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

## 20' UTILITY EASEMENT

A PORTION OF 4, BLOCK 18, KINGSTON AS RECORDED IN MAP BOOK 3, PAGE 95 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING A PORTION OF PARCEL "A" AS DESCRIBED IN OFFICIAL RECORDS BOOK 4266, PAGE 4307 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF MASON AVENUE, A 70 FOOT RIGHT OF WAY, WITH THE EASTERLY RIGHT OF WAY LINE OF BRIARWOOD DRIVE, A 50 FOOT RIGHT OF WAY, AS SHOWN ON THE PLAT OF LOT 1, BLOCK 1, BRIARWOOD, RECORDED IN MAP BOOK 26, PAGE 21 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS THE POINT OF REFERENCE, RUN NORTH 65 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF MASON AVENUE, A DISTANCE OF 275.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL "A" AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 65 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF MASON AVENUE, A DISTANCE OF 20.01 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN SOUTH 23 DEGREES 25 MINUTES 04 SECONDS EAST, A DISTANCE OF 150.00 FEET TO THE SOUTHERLY LINE OF SAID PARCEL "A"; THENCE SOUTH 65 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 20.01 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL "A"; THENCE NORTH 23 DEGREES 25 MINUTES 04 SECONDS WEST ALONG THE WESTERLY LINE OF SAID PARCEL "A", A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0689 ACRE (3000.0000 SQUARE FEET), MORE OR LESS.

SHEET 2 OF 3



**MARK DOWST & ASSOCIATES, INC.**

\* ENGINEERS PLANNERS SURVEYORS LB#4335 \*

536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

# SURVEYOR'S NOTES

1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING, SKETCH, PLAT OR MAP THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS DRAWING, SKETCH, PLAT OR MAP PREPARED WITHOUT BENEFIT OF AN ABSTRACT OR TITLE OPINION. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH.
2. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
3. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
4. BEARING STRUCTURE & OVERALL BOUNDARY INFORMATION PER BOUNDARY SURVEY PREPARED BY UPHAM, INC., DATED 9-29-02, LAST REVISED 10-24-02, WO#020971, FILE 14A-89.
5. DESCRIPTION PREPARED BY MARK DOWST & ASSOCIATES, INC.

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Diane M. Matousek

Volusia County, Clerk of Court

## LEGEND/ABBREVIATIONS

C = CENTERLINE  
 +00.00 = EXISTING ELEVATION  
 ● = 5/8" IRON ROD WITH CAP  
 ▲ = PERMANENT CONTROL POINT  
 ■ = 4" X 4" CONCRETE MONUMENT  
 ○ = NAIL WITH CAP  
 Δ = CENTRAL ANGLE  
 A/C = AIR CONDITIONER  
 BK. = BOOK  
 C.M. = CONCRETE MONUMENT  
 (C) = CALCULATED  
 CMP = CORRUGATED METAL PIPE  
 C.R. = COUNTY ROAD  
 C = CHORD  
 CB = CHORD BEARING  
 CONC. = CONCRETE  
 COR. = CORNER  
 (D) = DEED DATA  
 (DESC) = DATA PER DESCRIPTION  
 EL. = ELEVATION  
 ELEC. = ELECTRICAL  
 ESMT. = EASEMENT  
 F.H. = FIRE HYDRANT  
 F.S. = FLORIDA STATUTES  
 F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION  
 FFE = FINISHED FLOOR ELEVATION

F.A.C. = FLORIDA ADMINISTRATIVE CODE.  
 FD. = FOUND  
 GOVT = GOVERNMENT  
 I.P. = IRON PIPE  
 I.R. = IRON ROD  
 INV. = INVERT  
 L = ARC LENGTH  
 LB = LAND SURVEYOR BUSINESS  
 L.S. = LAND SURVEYOR  
 M.B. = MAP BOOK  
 MAS. = MASONRY  
 N & W = NAIL AND WASHER  
 NO. = NUMBER  
 N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM  
 (NTS) = NOT TO SCALE  
 (NR) = NON-RADIAL  
 OE = OVERHEAD ELECTRIC  
 O.R. = OFFICIAL RECORDS  
 (P) = PLAT DATA  
 PED. = PEDESTAL  
 P.O.B. = POINT OF BEGINNING  
 PT = POINT OF TANGENCY  
 PCC = POINT OF COMPOUND CURVATURE  
 POC = POINT ON CURVE

PG. = PAGE  
 P.R.M. = PERMANENT REFERENCE MONUMENT  
 P.C.P. = PERMANENT CONTROL POINT  
 PRC = POINT OF REVERSE CURVATURE  
 PC = POINT OF CURVATURE  
 P.L.S. = PROFESSIONAL LAND SURVEYOR  
 P.B. = PLAT BOOK  
 RES. = RESIDENCE  
 R/W = RIGHT OF WAY  
 (R) = RADIAL  
 RNG. = RANGE  
 R = RADIUS  
 RCP = REINFORCED CONCRETE PIPE  
 SAN. = SANITARY  
 SUB. = SUBDIVISION  
 S.R. = STATE ROAD  
 SEC. = SECTION  
 TEL. = TELEPHONE  
 TWP. = TOWNSHIP  
 T = TANGENT  
 TRANS. = TRANSFORMER  
 T.V. = TELEVISION  
 U.S. = UNITED STATES  
 W.V. = WATER VALVE

THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND FIRM WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, F.A.C., PURSUANT TO SECTION 672.027, FLORIDA STATUTES.

VALID WITH  
SIGNATURE &  
EMBOSSED  
SEAL ONLY

*[Signature]*  
JOHN RUST PENDLETON, P.L.S. NO. 5232

**MAR 10 2009**  
DATE SIGNED

**MARK DOWST & ASSOCIATES, INC.**  
 ENGINEERS PLANNERS SURVEYORS LB#4335 \*  
 536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

SKETCH OF DESCRIPTION: RE: CITY BREW				FIELD DATE: N/A	F.B. N/A	PG(S) N/A
DRAWN BY: JRP	CREW: N/A	CHECKED BY: JRP	DATE: 2-16-09	SCALE: 1"=40'	PROJ. NO. 1125	FILE: 1125_UE1
					SHEET 3	OF 3