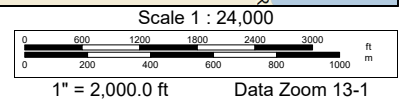


SECTION 04, TOWNSHIP 29 SOUTH, RANGE 26 EAST

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www.delorme.com



AGREEMENT FOR TRANSFER OF PUBLIC ROADS

between

THE CITY OF WINTER HAVEN, FLORIDA

and

POLK COUNTY, FLORIDA

**A PORTION OF SHELL ROAD FROM LAKE ELOISE DRIVE WEST, WESTERLY
APPROXIMATELY 670 FEET, IN WINTER HAVEN, FLORIDA.**

This is an Agreement by and between the City of Winter Haven, a municipal corporation of the State of Florida (CITY), and Polk County, a political subdivision of the State of Florida (POLK), their respective successors and assigns.

WITNESSETH

WHEREAS, Chapter 335, Florida Statutes, Subsection 335.0415(3) authorizes the transfer of public roads between jurisdictions by mutual agreement of the affected governmental entities; and

WHEREAS, a portion of SHELL ROAD (hereinafter known as the ROAD) is a Urban Collector Road and is within the County Road System that lies within and adjacent to the corporate limits of the CITY; and

WHEREAS, CITY has requested, and POLK has agreed to the transfer of the ROAD from Lake Eloise Drive West, westerly approximately 670 feet, in order to accommodate the transfer of maintenance and operational responsibilities to CITY; and

WHEREAS, Chapter 337, Florida Statutes, Subsection 337.29(3) provides that upon such transfer, liability for torts shall be in the governmental entity having operation and maintenance responsibility for such roads; and

WHEREAS, a transfer of the ROAD is in the best interests of CITY and of POLK; and
NOW, THEREFORE, in consideration of the promises, mutual covenants, and conditions hereinafter contained, the parties agree as follows:

SECTION 1: Recitals

The above recitals are true and correct and incorporated herein.

SECTION 2: Description of public roads subject to agreement

THE ROAD as depicted on the map attached hereto and made a part hereof as Attachment “B”, and more particularly described as:

Attachment “A”

SECTION 3: Transfer and acceptance of roads

POLK agrees to transfer, by County Deed, the ROAD as described above, and CITY agrees to acknowledge and accept this transfer via Resolution adopted by the Governing Body of the CITY. Upon the delivery and recording of a COUNTY Deed and affirmative acceptance by the CITY via Resolution adopted by the Governing Body of the CITY both parties agree that, the ROAD thus transferred will no longer be a part of the Polk County Road System, will become part of the City of Winter Haven Road System, and all jurisdiction over the road and the responsibility for operation and maintenance of the road and associated infrastructure will be with CITY.

SECTION 4: Liability for torts

As provided in Sections 335.0415 and 337.29, Florida Statutes, upon transfer of the ROAD from POLK to CITY, liability for torts shall be in the CITY, subject to the limitations of liability set forth in Section 768.28, Florida Statutes, and any other applicable sovereign immunity defense and /or defenses available under application Florida law.

Nothing contained in this Agreement shall be deemed a waiver, expressed or implied, of the City's or County's sovereign immunity or an increase in the limits of liability contained in Section 768.28, Florida Statutes, regardless of whether any such obligations are based in tort, contract, statute, strict liability, negligence, product liability or otherwise.

SECTION 5: Costs of transfer of public roads

COUNTY will record the Agreement and County Deed. Any and all costs associated with this transfer of public roads shall be borne by CITY.

SECTION 6: Amendments

No modification, amendment, or alterations of the terms or conditions contained herein shall be effective unless contained in the written document executed by the parties hereto with the same formality, and of equal dignity herewith.

SECTION 7: Severability

In the event any provision of this Agreement is held to be unenforceable for any reason, the unenforceability shall not effect the remainder of the Agreement which shall remain in full force and effect and enforceable in accordance with its terms.

SECTION 8: Term

This Agreement is effective upon approval of the parties respective Governing Bodies and execution by both parties set out below.

IN WITNESS WHEREOF, the City of Winter Haven has made and executed this Agreement on the date shown below, through its City Commissioners, signing by and through its Mayor, as authorized to execute the same by City Commission action on the _____ day of _____, 2024.

ATTEST:
Vanessa Castillo, Clerk

CITY OF WINTER HAVEN

By: _____
City Clerk

By: _____
Nathanial J. Birdsong, Jr, Mayor

This ____ day of _____, 2024

Reviewed as to form and legality

Frederick J. Murphy, Jr., City Attorney Date

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Polk County has made and executed this Agreement on the date shown below, through its Board of County Commissioners, signing by and through its Chairman, as authorized to execute the same by Board action on the _____ day of _____, 2024.

ATTEST:
Stacy M. Butterfield, Clerk

POLK COUNTY
Board of County Commissioners

By: _____
Deputy Clerk

W.C. Braswell, Chairman

This ____ day of _____, 2024

Reviewed as to form and legality

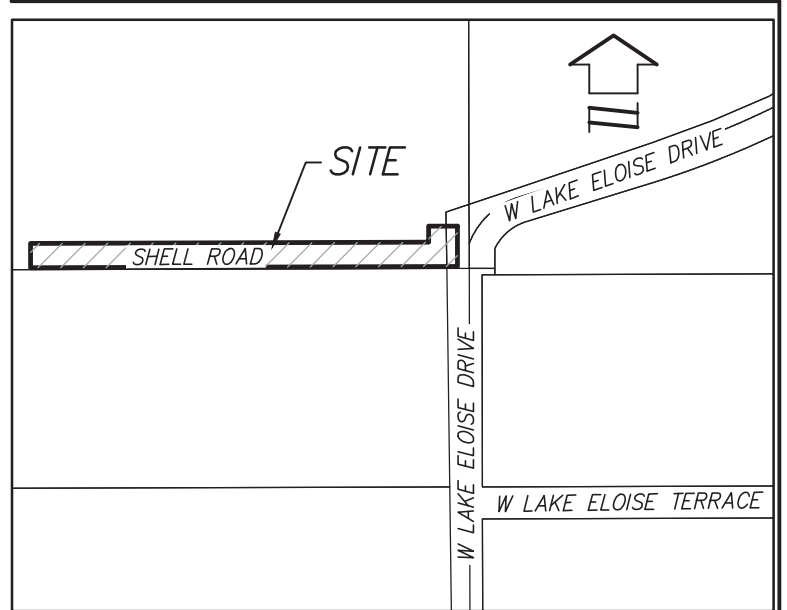
County Attorney's Office

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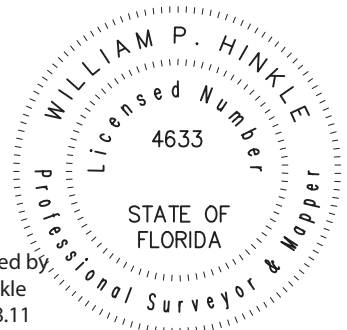
ATTACHMENT "A" Sheet 1 of 3

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 26 EAST, AS BEING S89°49'26"W.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THIS IS NOT A BOUNDARY SURVEY.
5. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3)
6. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY WILLIAM P. HINKLE, PSM 4633, ON 08/11/2023 PER FAC 5J-17.062(2).



VICINITY MAP
(NOT TO SCALE)



William P Hinkle
Digitally signed by William P Hinkle
Date: 2023.08.11 11:09:06 -04'00'

WILLIAM P. HINKLE
FLORIDA LICENSED SURVEYOR & MAPPER
NO. LS 4633

DATE

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

SHEET 1 OF 3

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

**SHELL ROAD RIGHT OF WAY
SWAP PARCEL**

SECTION 4, TOWNSHIP 29 SOUTH,
RANGE 26 EAST

POLK COUNTY

FLORIDA



131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

**FORESTAR REAL
ESTATE GROUP**

DATE: 08/11/23
REV DATE:
SCALE: 1" = N/A

PROJ: 50155783
DRAWN BY: SCC
CHECKED BY: MHP

ATTACHMENT "A" Sheet 2 of 3

LEGAL DESCRIPTION:

A PORTION OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE RUN S89°49'26"W ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 19.98 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE S89°49'26"W ALONG SAID NORTH LINE, A DISTANCE OF 667.06 FEET; THENCE DEPARTING SAID NORTH LINE RUN N00°06'02"W 38.00 FEET; THENCE RUN N89°49'26"E, A DISTANCE OF 622.23 FEET; THENCE RUN N00°06'02"W, A DISTANCE OF 24.95 FEET; THENCE RUN N89°49'26"E, A DISTANCE OF 44.83 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF WEST LAKE ELOISE DRIVE, (A COUNTY MAINTAINED RIGHT OF WAY) AS RECORDED IN RIGHT OF WAY MAP BOOK 2, PAGES 306 THROUGH 308 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THENCE RUN S00°06'02"E ALONG THE SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 62.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 26,467 SQUARE FEET OR 0.60 ACRES OF LAND, MORE OR LESS.

SHEET 2 OF 3

(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

SHELL ROAD RIGHT OF WAY
SWAP PARCEL

SECTION 4, TOWNSHIP 29 SOUTH,
RANGE 26 EAST

POLK COUNTY

FLORIDA



Dewberry

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CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

**FORESTAR REAL
ESTATE GROUP**

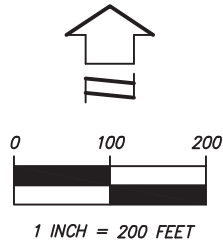
DATE: 08/11/23
REV DATE:
SCALE: 1" = N/A

PROJ: 50155783
DRAWN BY: SCC
CHECKED BY: MHP

ATTACHMENT "A" Sheet 3 of 3

LEGEND:

R/W	RIGHT OF WAY
PB	PLAT BOOK
PGS	PAGES
SF	SQUARE FEET
IPC	IRON PIN AND CAP
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
LB	LICENSED BUSINESS
ID	IDENTIFICATION
PID	PARCEL IDENTIFICATION
IR	IRON ROD
CM	CONCRETE MONUMENT
MP	MAP BOOK
	LINE BREAK
	CONCRETE MONUMENT
	IRON PIN AND CAP
	CHANGE IN DIRECTION



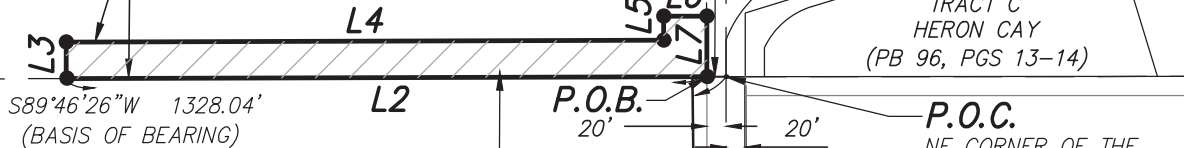
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OWNER: GST MARITAL TRUST

COUNTY MAINTAINED R/W PER POLK COUNTY MAINTAINED R/W MAP (MP 2, PGS 306-308)

40.00' PLATTED R/W PER HERON CAY (PB 96, PGS 13-14)

NE CORNER OF THE NW
1/4 OF THE SW 1/4 OF
SECTION 4-T29S-R26E
FOUND 4"x4" CM WITH
5/8" IR (NO ID)

EXISTING SHELL ROAD
(PAVED ROAD)



NORTH LINE OF THE SW 1/4
OF THE SE 1/4
SECTION 4-T29S-R26E

SWAP PARCEL
26,467 SF/0.60 ACRES
(HATCHED AREA)

P.O.C.
NE CORNER OF THE
SW 1/4 OF SECTION
4-T29S-R26E
FOUND 1-1/4" IPC
(LB 7745)

PID# 26290466400000020
OWNER: FORESTAR USA REAL ESTATE GROUP, INC.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°49'26"W	19.98'
L2	S89°49'26"W	667.06'
L3	N00°06'02"W	38.00'
L4	N89°49'26"E	622.23'
L5	N00°06'02"W	24.95'
L6	N89°49'26"E	44.83'
L7	S00°06'02"E	62.95'

WEST R/W LINE PER PREVIOUS
SURVEY PERFORMED BY CYPRESS
LAND SURVEYS DATED 05/05/2015

WEST R/W LINE (MP 2, PGS 306-308)

COUNTY MAINTAINED R/W PER
POLK COUNTY MAINTAINED R/W
MAP (MP 2, PGS 306-308)

EXISTING W LAKE ELOISE DRIVE (ASPHALT ROAD)

SHEET 3 OF 3

(SEE SHEET 2 FOR DESCRIPTION OF SKETCH)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

SHELL ROAD RIGHT OF WAY
SWAP PARCEL

SECTION 4, TOWNSHIP 29 SOUTH,
RANGE 26 EAST

POLK COUNTY

FLORIDA



Dewberry

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ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

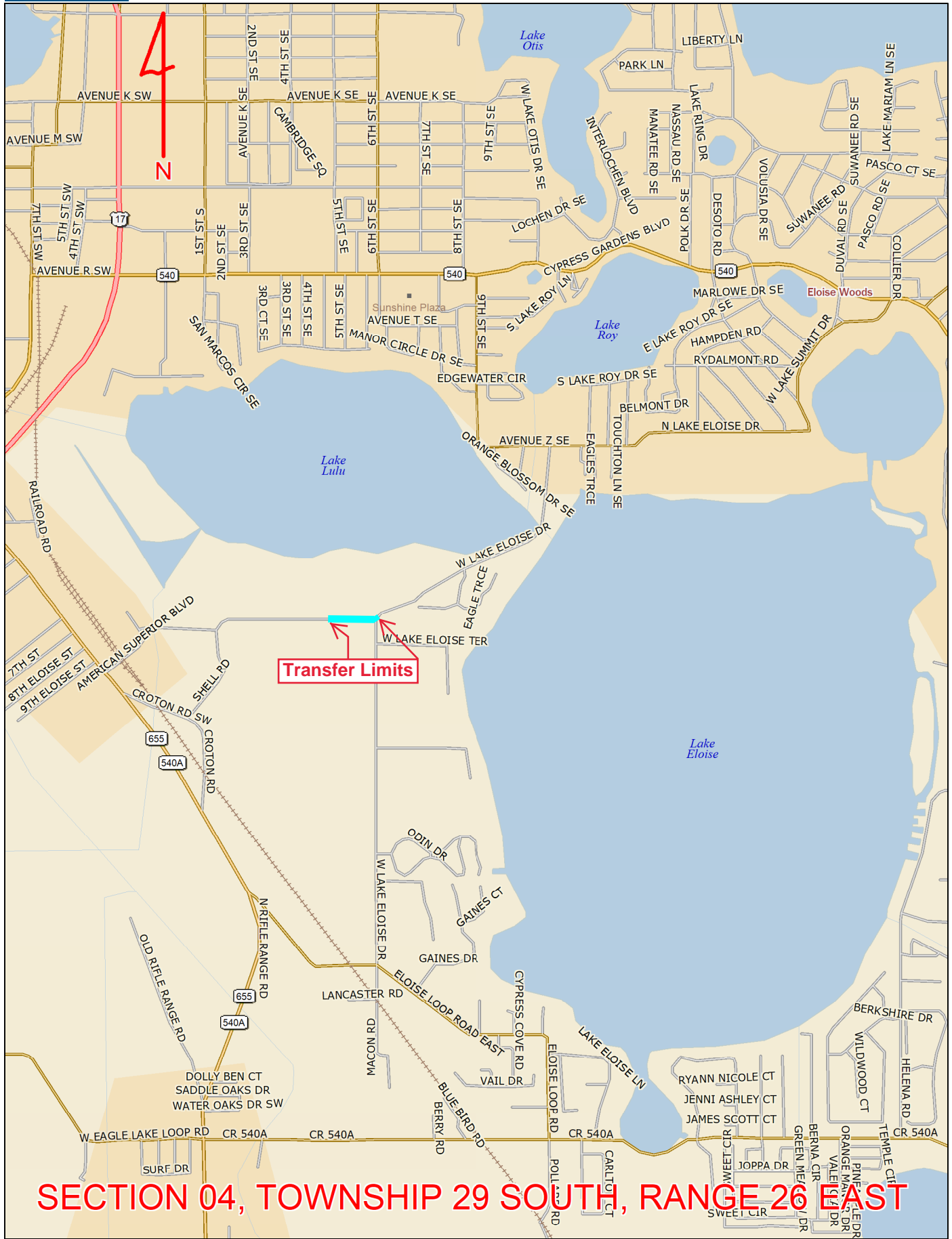
**FORESTAR REAL
ESTATE GROUP**

DATE: 08/11/23
REV DATE:
SCALE: 1" = 200'

PROJ: 50155783
DRAWN BY: SCC
CHECKED BY: MHP

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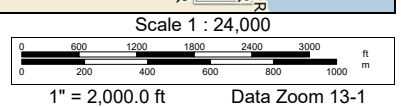
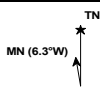
ATTACHMENT "B"



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This instrument prepared under
The direction of:
R. Wade Allen, Administrator
Polk County Real Estate Services
P. O. Box 9005, Drawer RE 01
Bartow, Florida 33831-9005
By: Chris Peterson
Road Transfer: Portion of Shell Road

COUNTY DEED

THIS DEED, made this _____ day of _____, 2024 by **POLK COUNTY**, a political subdivision of the State of Florida, Grantor, to the **CITY OF WINTER HAVEN**, a Florida Municipal Corporation, whose address is, P.O. Box 2277, Winter Haven, FL 33883-2277, Grantee

WITNESSETH: That the Grantor, for and in consideration of the sum of \$1.00, to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, its successors and assigns forever, all the right, title, interest, including interests, if any, in rights which may have been reserved by operation of Section 270.11 Florida Statutes, claim, and demand, which the Grantor has in and to the following described land lying and being in Polk County, Florida, to wit:

SEE ATTACHMENT "A"

The purpose of this County Deed is to convey the Grantor's interest in the right-of-way pursuant to Florida Statutes 335.0415 and 337.29 for that portion of the public road as described in ATTACHMENT "A".

IN WITNESS WHEREOF, said grantor has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chair or Vice-Chair of said board, the day and year aforesaid.

ATTEST:

Stacy M. Butterfield
Clerk to the Board

By: _____
Deputy Clerk

GRANTOR:

Polk County, Florida

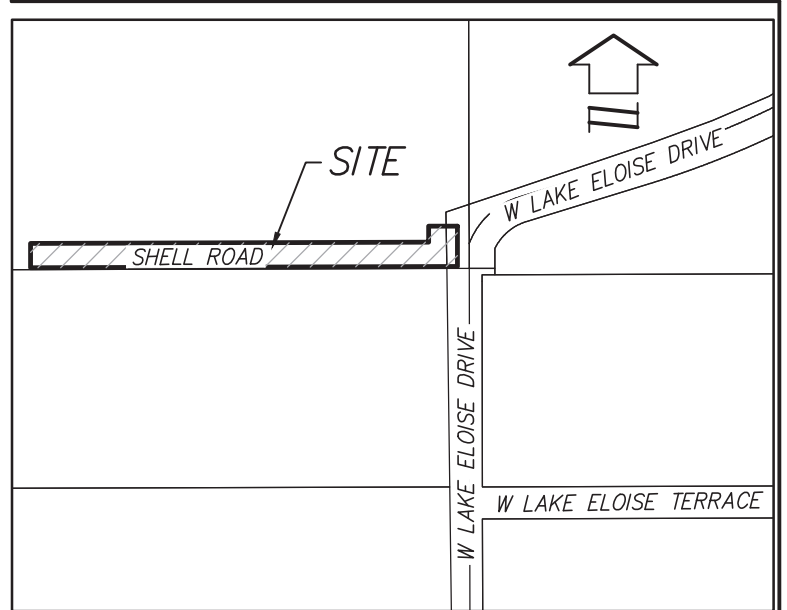
By: _____
W.C. Braswell, Chairman
Board of County Commissioners

(Seal)

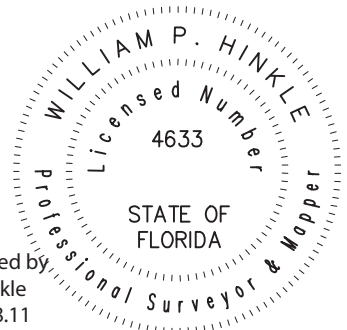
ATTACHMENT "A" Sheet 1 of 3

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3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THIS IS NOT A BOUNDARY SURVEY.
5. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3)
6. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY WILLIAM P. HINKLE, PSM 4633, ON 08/11/2023 PER FAC 5J-17.062(2).



VICINITY MAP
(NOT TO SCALE)



William P Hinkle
Digitally signed by William P Hinkle
Date: 2023.08.11 11:09:06 -04'00'

WILLIAM P. HINKLE
FLORIDA LICENSED SURVEYOR & MAPPER
NO. LS 4633

DATE

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

SHEET 1 OF 3

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

**SHELL ROAD RIGHT OF WAY
SWAP PARCEL**

SECTION 4, TOWNSHIP 29 SOUTH,
RANGE 26 EAST

POLK COUNTY

FLORIDA



131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

**FORESTAR REAL
ESTATE GROUP**

DATE: 08/11/23
REV DATE:
SCALE: 1" = N/A

PROJ: 50155783
DRAWN BY: SCC
CHECKED BY: MHP

ATTACHMENT "A" Sheet 2 of 3

LEGAL DESCRIPTION:

A PORTION OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SHEET 2 OF 3

(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

SHELL ROAD RIGHT OF WAY
SWAP PARCEL

SECTION 4, TOWNSHIP 29 SOUTH,
RANGE 26 EAST

POLK COUNTY

FLORIDA



Dewberry

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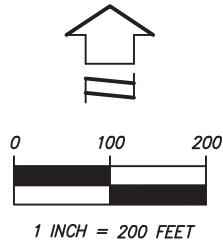
PROJ: 50155783
DRAWN BY: SCC
CHECKED BY: MHP

Drawing name: S:\Lake Eloise - Winter Haven\DWG-Civil 3D\East Shell Rd rw_sursketch.dwg DEW desc. & sketch Sheet 2 Aug 11, 2023 9:42am by scline

ATTACHMENT "A" Sheet 3 of 3

LEGEND:

R/W	RIGHT OF WAY
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PGS	PAGES
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P.O.B.	POINT OF BEGINNING
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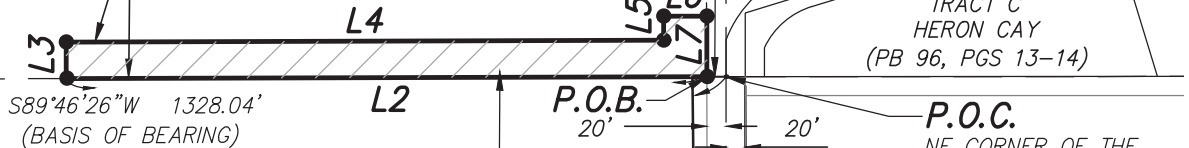
PID# 26290400000032000
OWNER: GST MARITAL TRUST

COUNTY MAINTAINED R/W PER POLK COUNTY MAINTAINED R/W MAP (MP 2, PGS 306-308)

40.00' PLATTED R/W PER HERON CAY (PB 96, PGS 13-14)

NE CORNER OF THE NW
1/4 OF THE SW 1/4 OF
SECTION 4-T29S-R26E
FOUND 4"x4" CM WITH
5/8" IR (NO ID)

EXISTING SHELL ROAD
(PAVED ROAD)



NORTH LINE OF THE SW 1/4
OF THE SE 1/4
SECTION 4-T29S-R26E

SWAP PARCEL
26,467 SF/0.60 ACRES
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P.O.C.
NE CORNER OF THE
SW 1/4 OF SECTION
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FOUND 1-1/4" IPC
(LB 7745)

PID# 26290466400000020
OWNER: FORESTAR USA REAL ESTATE GROUP, INC.

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WEST R/W LINE PER PREVIOUS
SURVEY PERFORMED BY CYPRESS
LAND SURVEYS DATED 05/05/2015

WEST R/W LINE (MP 2, PGS 306-308)

COUNTY MAINTAINED R/W PER
POLK COUNTY MAINTAINED R/W
MAP (MP 2, PGS 306-308)

EXISTING W LAKE ELOISE DRIVE (ASPHALT ROAD)

SHEET 3 OF 3

(SEE SHEET 2 FOR DESCRIPTION OF SKETCH)

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SKETCH OF DESCRIPTION

-OF-

SHELL ROAD RIGHT OF WAY
SWAP PARCEL

SECTION 4, TOWNSHIP 29 SOUTH,
RANGE 26 EAST

POLK COUNTY

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Drawing name: S:\Lake Eloise - Winter Haven\DWG-Civil 3D\East Shell Rd rw_sursketch.dwg DEW desc. & sketch Sheet 3 Aug 11, 2023 9:42am by: scline