

North

Subject Area

Section 8,
Township 28 South,
Range 26 East



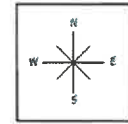
Astute Financial Land Trust Boundary

- Astute Boundary
- Road

Address: US HIGHWAY 92 W
Winter Haven, FL 33881

Final boundary determined by survey

Parcel ID Numbers:
 26280500000024010
 26280500000042010
 26280500000024030
 26280800000013030 (a portion of this parcel determined upon survey)



Date Created: 5/29/2025



FIRST AMENDMENT TO CONSERVATION EASEMENT

This First Amendment to Conservation Easement (this “**First Amendment**”) is dated April _____, 2026 by and between the CITY OF WINTER HAVEN, a Florida municipal corporation (“**Grantor**”), and POLK COUNTY, a political subdivision of the State of Florida (“**Grantee**”), (each a “**Party**” and collectively, the “**Parties**”).

WITNESSETH:

WHEREAS, the Grantor and Grantee are parties to that certain Conservation Easement dated November 24, 2025, and recorded on December 8, 2025, in Official Records Book 13801, Pages 1185 through 1274 of the Public Records of Polk County, Florida (the “**Conservation Easement**”); and

WHEREAS, the Grantor and Grantee desire to amend the Conservation Easement, pursuant to this First Amendment to correct the Boundary/Property attached as Exhibit “A” (legal description) to the Conservation Easement; and

WHEREAS, except as amended herein, all of the terms and conditions of the Conservation Easement are reaffirmed by the Grantor, and Grantee.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants, terms, and conditions contained in the Conservation Easement, and in this First Amendment, where applicable, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

§ 1. Incorporation of Recitals.

The above whereas clauses are hereby incorporated, deemed true, and are a factual basis for this First Amendment.

§ 2. Pursuant to paragraph 17 of the Conservation Easement, the Grantor and Grantee agreed to allow amendments and/or modifications so long as such amendments and/or modifications were in writing and executed by authorized representatives of the parties and approved by the governing body of the Parties.

§ 3. Amendment to the Boundary/Property attached as Exhibit “A” (legal description) to the Conservation Easement.

Exhibit “A” attached to the Conservation Easement is hereby deleted and replaced with the Boundary/Property attached as Exhibit “A” (legal description) and incorporated herein by reference.

§ 4. Balance of Conservation Easement.

All other provisions of the Conservation Easement, unless expressly amended or modified by this First Amendment, shall remain in full force and effect.

§ 5. Counterparts; Electronic or Facsimile Signatures.

This First Amendment may be signed in counterpart with electronic or facsimile signatures constituting original signatures for all intents and purposes.

§ 6. Amendments.

Any further amendments to the Conservation Easement, as amended, shall be made in writing and signed by the Parties pursuant to Paragraph 17 thereof.

§ 7. Effective Date.

The Effective Date of this First Amendment shall be the date upon which the Grantor's governing body approves this First Amendment.

[The balance of this page intentionally left blank.]

Signatures follow on Pages 3 through 4.

IN WITNESS WHEREOF, the Parties have each executed this First Amendment to Conservation Easement as of the respective dates shown below.

City of Winter Haven, a Florida municipal corporation

By: William B. Yates

William Brian Yates, Mayor

Date: 3/23/2026

ATTEST:

Vanessa Castillo

Vanessa Castillo, MMC, City Clerk

Approved as to form:

Frederick J. Murphy, Jr.

Frederick J. Murphy, Jr., Esquire
City Attorney

STATE OF FLORIDA

COUNTY OF POLK

The forgoing instrument was acknowledged before me by means of physical presence or online notarization this 23rd day of March, 2026, by William Brian Yates, as Mayor of the City of Winter Haven, on behalf of the Grantor, who is personally known to me or has produced _____ as identification.

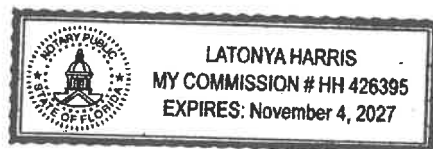
Notary Public- State of Florida

Sign: Latonya Harris

My Commission Expires: 11/4/2027

Print Name: Latonya Harris

SEAL



Counter-part Signature Page Two of Two

POLK COUNTY, a political subdivision of the State of Florida, Grantee

By: _____ (SEAL)

Martha Santiago, Ed.D., Chair

Date: _____

STATE OF FLORIDA

COUNTY OF POLK

The forgoing instrument was acknowledged before me by means of physical presence or online notarization this ____ day of April, 2026, by Martha Santiago, as Chair of the Polk County Board of County Commissioners, on behalf of the Grantee, who is personally known to me or has produced _____ as identification.

Notary Public- State of Florida

Sign: _____

My Commission Expires _____

Print Name: _____

SEAL

EXHIBIT "A"

The South 1/2 of the SW 1/4 less right-of-way for State Road 600; all that part of the South 1/2 of U.S. Government lot 3 which lies West of the Seaboard Coastline Railroad less right-of-way for State Road 555 lying in Section 5, Township 28 South, Range 26 East, Polk County, Florida, LESS That part of the SW 1/4 of the SE 1/4 of Section 5, Township 28 South, Range 26 East, Polk County, Florida, lying West of the right of way of old CSX Railroad, East of the right of way of U.S. Highway #17, and North of the Northbank of drainage canal;

AND

All that part of U.S. Government Lot 2 lying west of the State Road 555 and north of the right-of-way for Elfenbein Road, lying in Section 8, Township 28 South, Range 26 East, Polk County, Florida;

AND

All that part of U.S. Government Lot 3 lying north of the right-of-way for Elfenbein Road, lying in Section 8, Township 28 South, Range 26 East, Polk County, Florida;

LESS that part of U.S. Government Lots 2 and 3 lying in Section 8, Township 28 South, Range 26 East, Polk County, Florida, being further described as follows: Commence at the Northwest corner of the South one-half of U.S. Government Lot 3 in Section 8, Township 28 South, Range 26 East, Polk County, Florida, run thence South along the West boundary of said Lot 3, 128.70 feet, thence East, 124.74 feet, thence South 09°57'00" West, 25.45 feet to a point on the Southerly right-of-way of Brigham Road, thence North 88°06'21" East along said right-of-way, 529.35 feet, to the P.C. of a curve concave to the Southwest having a radius of 255.00 feet, thence continue along said right-of-way and said curve through a central angle of 43°31'39", an arc distance of 193.72 feet, a chord distance of 189.10 feet, a chord bearing of South 69°07'49" East to the P.T. of said curve, thence continue along said right-of-way, South 47°22'00" East, 561.68 feet, thence continue along said right-of-way, South 89°34'00" East, 756.44 feet to its intersection with the Westerly right-of-way of U.S. 17, thence North 00°45'45" East, along said right-of-way, 50.00 feet to a point on the Northerly right-of-way of Brigham Road and the POINT OF BEGINNING. Run thence North 00°45'46" East, along the Westerly right-of-way of U.S. 17, 425.00 feet, thence North 89°34'00" West, parallel with Brigham Road leaving said right-of-way, 950.00 feet, thence South 00°45'46" West parallel with the Westerly right-of-way of U.S. 17, 233.25 feet to a point on the Northeasterly right-of-way of Brigham Road, thence South 47°22'00" East along said right-of-way, 285.46 feet, thence continue along said right-of-way, South 89°34'00" East, 737.43 feet to the POINT OF BEGINNING. Containing 8.80 acres, more or less;

LESS Florida Department of Transportation Borrow Pit Lying in Section 8, Township 28 South, Range 25 East, Polk County, Florida, as depicted on Florida Department of Transportation Right of Way Map for State Road 555 (U.S. 17) Section 16030-2503;

AND LESS that part of U.S. Government Lot 3 lying north of the right-of-way for Brigham Road (formerly known as Elfenbein Road), lying in Section 8, Township 28 South, Range 26 East, Polk County, Florida being further described as follows: BEGIN at the northwest corner of the South 1/2 of said U.S. Government Lot 3 for the POINT OF BEGINNING; thence North 00°47'54" West, along the west line of said Lot 3, a distance of 496.88 feet; thence North 89°12'06" East, 340.49 feet; thence South 47°41'52" East, 524.06 feet; thence South 89°53'52" East, 334.67 feet; thence South 00°29'15" West, 210.42 feet

to the northwest corner of a parcel described in Official Records Book 8518, Page 441, Public Records of Polk County, Florida; thence continue South 00°29'15" West, along the west line of said parcel, 239.01 feet to the northerly right-of-way line of Brigham Road; thence along said northerly right-of-way line for the following four (4) courses; (1) thence North 47°22'00" West, 282.39 feet to a point on a non-tangent curve to the left, having a radius of 275.00 feet, a central angle of 44°31'39", a chord bearing of North 69°37'49" West, and a chord distance of 208.38 feet; (2) thence Northwesterly along the arc of said curve, 213.72 feet; (3) thence South 88°06'21" West, 464.56 feet; (4) thence North 88°26'39" West, 183.96 feet to the aforesaid west line of U.S. Government Lot 3; thence North 00°47'54" West, along said west line, 47.71 feet to the POINT OF BEGINNING. Said parcel containing 9.84 acres, more or less.