

THIS INSTRUMENT PREPARED BY:

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City Attorney's Office
City of Lakeland
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Lakeland, Florida 33801
(863) 834-6010

AVIGATION EASEMENT

This Avigation Easement (the "Easement") is made this 28TH day of JANUARY, 2022 by Pipkin Creek Properties, LLC ("Grantor") to the CITY OF LAKELAND, a Florida municipal corporation ("Lakeland"), the owner of Lakeland Linder International Airport (the "Airport").

WHEREAS, Grantor desires to develop a residential subdivision known as Lakeside Preserve Phase 2B&C on certain lands in Lakeland, Florida, more particularly described in Exhibit "A," attached hereto and made a part hereof (the "Property"); and

WHEREAS, Lakeland has requested that Grantor acknowledge that the Property is located near the Airport and that Grantor consent on behalf of Grantor, its successors and assigns, to the continued use of the airspace over the Property for avigation purposes; and

WHEREAS, Grantor is agreeable to the request of Lakeland;

NOW, THEREFORE, for and in consideration of the sum of \$10.00, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants an avigation easement over the Property to Lakeland upon the following terms and conditions:

1. Grantor agrees that all persons and aircraft lawfully using or entitled to use the Airport may use and continue using, now and hereafter, the airspace over the Property in the same manner and for the same purposes as the airspace is currently being used, and for any other lawful aviation purposes, consistent with safe and proper flying procedures as promulgated from time to time by any regulatory agency of the government of the United States of America or the State of Florida.

2. Grantor waives any and all claims which it now has or hereafter may acquire relating to or resulting from noise or vibrations incidental to the use and operations of the Airport.

3. This Easement shall not be construed to constitute a waiver or relinquishment of any property right or interest for which Grantor might be entitled to recompense through proceedings in eminent domain and arising out of Lakeland's acquisition of additional lands for airport operations and clear zones incidental thereto.

4. This Easement shall be binding on Grantor and Grantor's successors and assigns, and the covenants set forth herein shall run with the Property until this Easement is either terminated by the parties, their successors or assigns, or until such time as the Airport's operations cease.

5. Nothing herein shall operate or be construed to limit any other rights that Lakeland or the operators of aircraft may have under any other authority.

6. This Easement shall be recorded in the Public Records of Polk County, Florida and shall be governed by the laws of the State of Florida and the United States of America.

[Signature Page Follows]

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name the day and year first above written.

GRANTOR:

Signed in the presence of:

Pam Chancey

Witness

Print Name: Pam Chancey

ADN

Witness

Print Name: A. David Norris

By: Lee Sanders

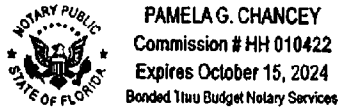
Print Name: Lee Saunders

Title: Manager

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this 28 day of January 2022, by Lee Saunders, as Manager (Title), of Pepkin Creek Properties, who is [] personally known to me or [] produced _____ as identification.

Notary Seal:



Pamela G. Chancey
Notary Public

Exhibit "A"

LAKESIDE PRESERVE PHASE TWO
CITY OF LAKELAND, POLK COUNTY, FLORIDA
LEGAL DESCRIPTION
07-20-2021

A PARCEL OF LAND CONTAINING PORTIONS OF SECTIONS 2 AND 3, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE SOUTH 89°50'22" WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2, A DISTANCE OF 741.12 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°00'00" WEST A DISTANCE OF 186.61 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1879.86 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 02°45'04" (CHORD = 90.25 FEET, CHORD BEARING = SOUTH 79°12'19" EAST) FOR A DISTANCE OF 90.26 FEET TO THE END OF SAID CURVE; THENCE SOUTH 77°49'47" EAST, A DISTANCE OF 730.81 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE CSX TRANSPORTATION RAILROAD (FORMERLY SEABOARD COASTLINE RAILROAD); THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: THENCE (1) SOUTH 50°36'00" EAST, A DISTANCE OF 1897.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1116.28 FEET; THENCE (2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 00°24'38" (CHORD = 8.00 FEET, CHORD BEARING = SOUTH 49°51'19" EAST) FOR A DISTANCE OF 8.00 FEET TO THE END OF SAID CURVE AND THE INTERSECTION WITH THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AS DEPICTED ON SHEETS 10-13 INCLUSIVE OF RIGHT-OF-WAY MAP FOR SECTION 16003-2514 (STATE ROAD 563) AND AS RECORDED IN OFFICIAL RECORDS BOOK 6341, PAGE 2006 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE DEPARTING THE CSX TRANSPORTATION RIGHT-OF-WAY AND ALONG THE AFORESAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY, THE FOLLOWING SEVEN (7) COURSES: THENCE 1.) SOUTH 10°41'52" WEST, A DISTANCE OF 1409.91 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2716.84 FEET; THENCE 2.) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 11°01'26" (CHORD = 521.92 FEET, CHORD BEARING = SOUTH 16°12'35" WEST) FOR A DISTANCE OF 522.73 FEET TO THE POINT OF TANGENCY; THENCE 3.) THENCE SOUTH 21°43'18" WEST, A DISTANCE OF 1289.69 FEET; THENCE DEPARTING THE AFORESAID LINE NORTH 29°40'47" WEST, A DISTANCE OF 2342.01 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF LAKESIDE PRESERVE AS RECORDED IN PLAT BOOK 171, PAGE 15 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE NORTH 29°40'47" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 756.13 FEET TO THE SOUTHEASTERNMOST CORNER OF TRACT "B", OF SAID LAKESIDE PRESERVE PHASE 1; THENCE NORTH 29°11'37" WEST ALONG THE EASTERLY BOUNDARY OF SAID TRACT "B" AND TRACT "F", ALSO BEING ALONG THE EASTERN BOUNDARY LAKESIDE PRESERVE PHASE 1, A DISTANCE OF 1148.74 FEET TO THE NORTHEAST CORNER OF SAID LAKESIDE PRESERVE PHASE I; THENCE DEPARTING SAID LAKESIDE PRESERVE PHASE I, NORTH 89°48'32" EAST, A DISTANCE OF 865.69 FEET; THENCE NORTH 54°45'47" EAST, A DISTANCE OF 145.99 FEET; THENCE NORTH 29°17'54" WEST, A DISTANCE OF 323.28 FEET; THENCE NORTH 24°30'05" WEST, A DISTANCE OF 295.96 FEET AND THENCE NORTH 00°00'00" EAST, A DISTANCE OF 132.09 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 148.88 ACRES, MORE OR LESS.