

28

PREPARED BY/RETURN TO:

K. Wade Boyette, Jr., Esquire
BOYETTE, CUMMINS & NAILOS, PLLC
1635 E. Highway 50, Suite 300
Clermont, FL 34711
Telephone: 352-394-2103

AMENDMENT TO DRAINAGE EASEMENT
RIGHT-OF-WAY UTILIZATION

THIS AMENDMENT TO DRAINAGE EASEMENT RIGHT-OF-WAY UTILIZATION (the "Amendment"), is made and entered into as of the 4TH day of November, 2015, by and between **BLUE SPRING RESERVE HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit Corporation ("Corporation"), whose address is 1942 W. County Road 419, Suite 1030, Chuluota, FL 32766-9017, and **NASCOSTO INVESTMENTS, LLC**, a Florida Limited Liability Company ("Lot Owner"), whose address is 12773 W Forest Hill Blvd., #105, Wellington, FL 33414.

WITNESSETH:

WHEREAS, Landquest Group, LLC, a Florida Limited Liability Company ("Developer") platted a subdivision in Lake County, Florida, known as Blue Spring Reserve recorded in Plat Book 58, Pages 94-102, and the Developer recorded simultaneously the Covenants, Conditions, Easements and Restrictions of Blue Spring Reserve ("the Declaration") recorded in Official Records Book 3178, Page 1796. Section 12 of the Declaration provides that no person shall alter the water and stormwater drainage flow of the water and stormwater management system, including buffer areas or swales without prior written approval of the St. Johns River Water Management District.

WHEREAS, St. Johns Water Management District issued permit number 98566-3 (Exhibit "A" attached hereto) modifying permit number 4-069-98566-1.

WHEREAS, Lot Owner is the owner of the following described real property situate, lying and being in Lake County, Florida, being more particularly described as:

Lot 28, BLUE SPRING RESERVE, according to the plat recorded in Plat Book 58, Pages 93 through 101, inclusive of the Public Records of Lake County, Florida ("Lot 28").



J AND J BUILDING
868 LAKE BRIM DRIVE
WINTER GARDEN FL 34787

WHEREAS, Corporation and Lot Owner now desire to amend and revise the legal description of the Drainage Easement Right-of-Way Utilization, and buffer areas or swales for Lot 28 in order to reflect and correspond to the location and configuration of the Drainage Facilities Right-of-Way Utilization, and swales as reflected on the sketch of description attached hereto as Exhibit "B".

NOW THEREFORE, for and in consideration of the premises hereof, the Sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby covenant, stipulate and agree as follows:

1. Amendment of Legal Description. The legal description of the Drainage Easement Area and buffer area shown on the Plat is hereby deleted and replaced with the sketch and legal description of the Drainage Easement Area for Lot 28 attached hereto as Exhibit "B" and by this reference made a part hereof.

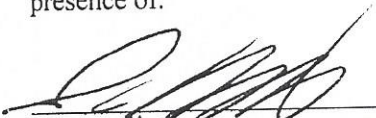
The legal description originally attached to the Plat is declared to be of no force or effect, and the new sketch and legal description of the Drainage Easement Area for Lot 28 as set forth on Exhibit "B" attached hereto, shall be and is the sketch and legal description of the Drainage Easement Area for Lot 28 and shall have the same force and effect as if originally included in the Plat.

2. Binding Effect. Except as amended by this Amendment, the Drainage Easement and Right of Way Utilization remains in full force and effect in accordance with its terms, and except as specifically defined herein, all words and terms used in this Amendment shall have the same meaning and definition as in the Declaration.

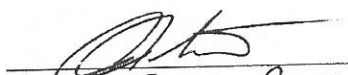
IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed in the manner and form sufficient to bind them on the date and year first above written.

Signed, sealed and delivered in the presence of:

BLUE SPRING RESERVE HOMEOWNERS ASSOCIATION, INC.


Name: SANTINO ALONZO

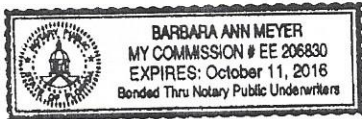
By: Barbara Lewis
Name: BARBARA LEWIS
Title: PRESIDENT


Name: JAMES COSTELLO

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 4TH day of November, 2015, by BARBARA LEWIS as PRESIDENT of BLUE SPRING RESERVE HOMEOWNERS ASSOCIATION, INC., who is personally known to me OR ___ produced ___ as identification.



[Signature]
Notary Public

Signed, sealed and delivered in the presence of:

NASCOSTO INVESTMENTS, LLC

[Signature]
Name: Kenneth Costello

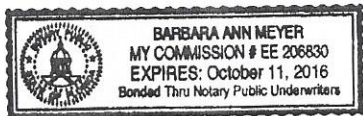
By: [Signature]
Joseph T. Telles, Manager

[Signature]
Name: James J Costello

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 08 day of October, 2015, by JOSEPH T. TELLES, as Manager of NASCOSTO INVESTMENTS, LLC, a Florida Limited Liability Company, who is personally known to me OR ___ produced ___ as identification.



[Signature]
Notary Public

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 98566-3 **DATE ISSUED:** August 21, 2015

PROJECT NAME: Blue Spring Reserve, Phase 1 Modification

A PERMIT AUTHORIZING:

Modification of Permit No. 4-069-98566-1 for Kensington to include the construction and operation of a 7.05 - acre project known as Blue Spring Reserve, Phase 1 Modification, as per plans received by the District on July 28, 2015.

LOCATION:

Section(s): 14 Township(s): 21S Range(s): 25E
Lake County

Receiving Water Body:

Name	Class
Little Everglades	III Fresh

ISSUED TO:

Blue Spring Reserve Homeowner's Association, Inc.
1942 W County Road 419, Ste 1030
Chuluota, FL 32766-9017

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

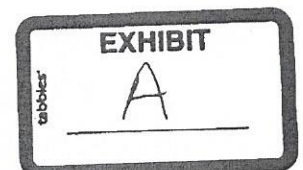
PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated August 21, 2015

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory, Engineering and Environmental Services

By: *David Dewey*

David Dewey
Service Center Director



"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 98566-3
Blue Spring Reserve, Phase 1 Modification
DATED August 21, 2015

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any

time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

23. The stormwater management system shall be constructed and operated in accordance with the plans received by the District on July 28, 2015.

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SKETCH OF DESCRIPTION (NOT A FIELD SURVEY)

LEGAL DESCRIPTION:

A 40.00 WIDE DRAINAGE EASEMENT BEING THAT PART OF LOTS 28 THROUGH 30, BLUE SPRING RESERVE, AS RECORDED IN PLAT BOOK 58, PAGES 93 THROUGH 101, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

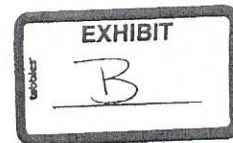
COMMENCE AT THE SOUTHWESTERNMOST CORNER OF SAID LOT 28; THENCE S52°08'49"E ALONG THE SOUTHERLY LINE OF SAID LOT 28 FOR 257.83 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY LINE, N20°29'52"E FOR 13.18 FEET; THENCE N11°05'07"W FOR 125.14 FEET; THENCE N78°54'53"E FOR 40.00 FEET TO THE 25.00 FOOT UPLAND BUFFER LINE AS SHOWN ON SAID PLAT; THENCE ALONG SAID UPLAND BUFFER LINE THE FOLLOWING SEVEN (7) COURSES: S11°05'07"E FOR 142.18 FEET; THENCE S20°29'52"W FOR 100.20 FEET; THENCE S28°16'00"W FOR 31.31 FEET; THENCE N85°49'29"W FOR 43.90 FEET; THENCE S75°31'57"W FOR 81.53 FEET; THENCE S60°02'33"W FOR 120.87 FEET; THENCE N86°50'00"W FOR 33.62 FEET; THENCE DEPARTING AFORESAID 25.00 FOOT UPLAND BUFFER LINE, N03°10'00"E FOR 40.00 FEET; THENCE S86°50'00"E FOR 21.72 FEET; THENCE N60°02'33"E FOR 114.41 FEET; THENCE N75°31'57"E FOR 93.54 FEET; THENCE S85°49'29"E FOR 21.79 FEET; THENCE N20°29'52"E FOR 81.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 20,825 SQUARE FEET OR 0.48 ACRES, MORE OR LESS.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS THEY BEAR THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON FLORIDA STATE PLANE COORDINATE EAST ZONE (NAD 83) AND ARE REFERENCED THE SOUTH LINE OF LOT 28, BLUE SPRING RESERVE, AS BEING SOUTH 52°08'49" EAST.
3. THE LEGAL DESCRIPTION WAS PREPARED BY THIS FIRM AT THE CLIENT'S REQUEST AND IS BASED UPON INFORMATION PROVIDED.
4. THIS SURVEY MEETS ALL APPLICABLE REQUIREMENTS OF THE FLORIDA STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051 FAC.
5. THIS SKETCH WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.
6. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/150 OR SMALLER.
7. HORIZONTAL DATUM SHOWN HEREON IS IN U.S. FEET.

CERTIFIED TO:
J & J BUILDING



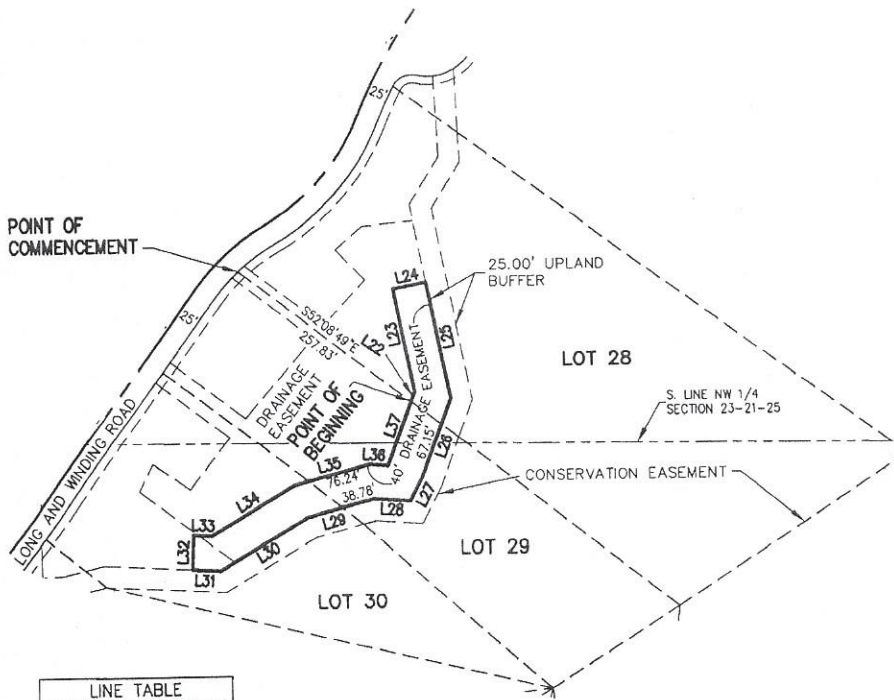
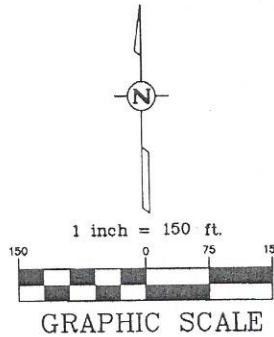
[Handwritten signature and date]
 DATE: 09/29/16
 JENNINGS, J. GORDON, PROFESSIONAL LAND SURVEYOR
 FLORIDA REGISTRATION NO. 4486

SHEET 1 OF 2	
CLIENT	J & J BUILDING
JOB NO.	041428.0000
ACAD FILE	041428.0000 Blue Spring Reserve SD Lots 28-30
DATE	08-10-16 CHECKED BY: JES
DRAWN BY:	JES
FLD. BOOK:	
DATE:	
REVISIONS:	

SKETCH OF DESCRIPTION	
IN SECTION 23, TOWNSHIP 21 SOUTH, RANGE 20 EAST	
LAKE COUNTY, FLORIDA	
BLUE SPRING RESERVE	
DRAINAGE EASEMENT LOTS 28-30	

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SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)



LINE	BEARING	LENGTH
L22	N20°29'52"E	13.18'
L23	N11°05'07"W	125.14'
L24	N78°54'53"E	40.00'
L25	S11°05'07"E	142.18'
L26	S20°29'52"W	100.20'
L27	S28°16'00"W	31.31'
L28	N85°49'28"W	43.90'
L29	S75°31'57"W	81.53'
L30	S60°02'33"W	120.87'
L31	N86°50'00"W	33.62'
L32	N03°10'00"E	40.00'
L33	S86°50'00"E	21.72'
L34	N60°02'33"E	114.41'
L35	N75°31'57"E	93.54'
L36	S85°49'29"E	21.79'
L37	N20°29'52"E	81.28'

SHEET 2 OF 2

CLIENT: J & J BUILDING
 JOB NO.: 041428.0008
 ACAD FILE: 041428.0008 Blue Spring Reserve 30 Lots 28-30
 DATE: 08-10-16 CHECKED BY: JMS
 DRAWN BY: JSD P.L.D. BOOK: DATE:
 REVISIONS:

SKETCH OF DESCRIPTION
 IN SECTION 23, TOWNSHIP 21 SOUTH, RANGE 28 EAST
 LAKE COUNTY, FLORIDA.
BLUE SPRING RESERVE
 DRAINAGE EASEMENT LOTS 28-30



I certify that the foregoing is an accurate copy of the document as reflected in the Official Records. Portions may be redacted.
 NEIL KELLY, CLERK OF CIRCUIT COURT LAKE COUNTY
 By: *[Signature]* Deputy Clerk 1/6/2016 4:29:02 PM