

**This document prepared by:** BK 1677 PG 1414 DOC STAMPS \$4900.00 DKT # 1468268 1 of 5  
Caleb J. Grimes, Esquire  
Grimes Goebel Grimes Hawkins  
& Gladfelter, P.A.  
P.O. Drawer 1550  
Bradenton, Florida 34206  
(941) 748-0151  
Parcel ID #: \_\_\_\_\_

### **SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, is made this 23 day of April, 2001, by and between W.C. Riviera Partners, L.C., a Florida limited liability company, ("Grantor"), whose address is 590 Haben Blvd., Palmetto, Florida 34221, and Hogan Haben, LLC, a Florida limited liability company whose post office address is 101 E. Kennedy Boulevard, Suite 4000, Tampa, Florida 33602 ("Grantee").

### **W I T N E S S E T H**

That the Grantor, in consideration of the sum of Ten Dollars and other valuable consideration paid by the Grantee, receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, real property in Manatee County, Florida:

**SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF ("Property").**

To have and to hold the same in fee simple forever.

**Grantor hereby expressly reserves unto itself, its heirs, successors, and assigns, the right to create and convey certain permanent, perpetual non-exclusive easements over, across and upon the Property as follows:**

A 35' Utility and Landscape Easement (hereinafter the "35' Easement") over, across and upon the westerly boundary of the Property running parallel to State Road 55 (U.S. 41 and 301 Blvd.) and over, across and upon the northerly boundary of the Property running parallel to Haben Boulevard for the benefit of the Grantor and the Riviera Dunes Master Association, Inc., a Florida not-for-profit corporation ("Master Association"). The 35' Easement shall only be used for purposes of construction, installation, maintenance, use, repair, and replacement of utility facilities and for general landscaping uses. The Grantor shall have the right to assign, transfer and convey, or grant rights to use any portion or all of the 35' Easement to any one or more persons, firm, corporation or governmental entity, including but not limited to its successor developer or the Master Association.

By acceptance of this deed, Grantee agrees to join in and consent to a plat or plats that cover the Property and/or the Utility and Landscape Easement, including any subsequent amendments or

re-plats as applicable. Grantee will join in and consent to permit applications, site plan applications or other applications for governmental approvals proposed for Riviera Dunes or any portion thereof (to the extent required by virtue of Grantee's interest in the Land) provided same is in conformance with currently-approved plans for the development known as Riviera Dunes and does not interfere with Grantee's use of the Property. Further, Grantee and Grantee's successors or assigns (as applicable) will cause its mortgagees (if any) to join in and consent to any above referenced Plat and any amendments thereto.

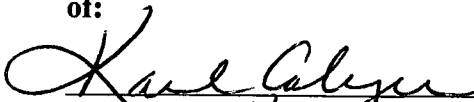
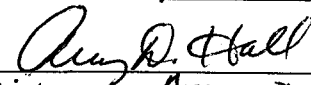
The benefits and obligations hereunder shall inure to and be binding upon the successors and assigns of the respective parties hereto, and the Grantor does hereby fully warrant title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

This conveyance is subject to matters set forth on **Exhibit "B"** attached hereto.

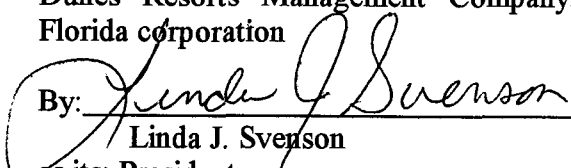
The easements, restrictions and agreements hereunder shall run with the land and be binding upon Grantee and Grantor, their agents, successors and assigns, and are enforceable by Grantor or its successor developer.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument as of the day and year first above written.

Signed, sealed and delivered in the presence  
of:

  
Print name: Karen L. Calyer  
  
Print name: Amy D. Hall

W.C. Riviera Partners, L.C., a Florida limited liability company by its manager, Riviera Dunes Resorts Management Company, a Florida corporation

By:   
Linda J. Svenson  
as its: President

**My commission expires:**

## Notary Public

(Printed Name of Notary)

**KAREN L. CALYER**  
 MY COMMISSION # CC 663315  
 EXPIRES: July 14, 2001  
 Bonded Thru Notary Public Underwriters

## EXHIBIT "A"

### LEGAL DESCRIPTION

#### PARCEL 1:

A TRACT OF LAND IN SECTIONS 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF SAID SECTION 13, THENCE S.89° 36'47"E. ALONG THE SOUTHERLY LINE OF SECTION 13, A DISTANCE OF 593.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 301/41 (STATE ROAD 55) FOR THE POINT OF BEGINNING: THENCE N.00° 13'04"W. ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 43.82 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HABEN BLVD (THE FOLLOWING TWO CALLS ARE ALONG SAID RSOUTHERLY RIGHT OF WAY LINE); THENCE N.89° 46'56"E. A DISTANCE OF 100.00 FEET TO THE POINT OF CURVE (PC) OF A CURVE TO THE RIGHT HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 09° 57'51"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 152.77 FEET; THENCE S.00° 13'04"E. PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 301/41 (STATE ROAD 55), A DISTANCE OF 198.75 FEET; THENCE S.89° 46'56"W. A DISTANCE OF 252.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 301/41 (STATE ROAD 55); THENCE N.00° 13'04"W. ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 168.18 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT;

DESCRIPTION: PROPOSED 12 FOOT ADDITION RIGHT OF WAY FOR HABEN BOULEVARD.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89° 36'47"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 593.00 FEET TO A 5/8" IRON ROD STAMPED LB 2230 MARKING THE INTERSECTION OF SAID SOUTH LINE OF SECTION 13 AND THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 41; THENCE N.00° 11'34"W., ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 43.82 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF HABEN BOULEVARD; THENCE N.89° 46'56"E., ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 12.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N.89° 46'56"E., ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 88.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 11° 00'00", A CHORD BEARING OF S.84° 43'42"E. AND CHORD DISTANCE OF 168.39 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 168.65 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.79° 13'19"E A DISTANCE OF 123.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET; A CENTRAL ANGLE OF 36° 58'55", A CHORD BEARING OF N.82° 17'13"E. AND A CHORD DISTANCE OF 317.16 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 322.73 FEET; THENCE S.25° 50'36"E., A DISTANCE OF 12.00 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 512.00 FEET, A CENTRAL ANGLE OF 36° 58'55", A CHORD BEARING OF S.82° 17'13"W. AND A CHORD DISTANCE OF 324.70 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 330.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.79° 13'19"W., A DISTANCE OF 123.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 866.45 FEET, A CENTRAL ANGLE OF 11° 00'00" A CHORD BEARING OF N.84° 43'42"W. AND A CHORD DISTANCE OF 166.09 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 166.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89° 46'56"W., A DISTANCE OF 58.00 FEET; THENCE S.44° 46'25"W., A DISTANCE OF 42.42 FEET; THENCE N.00° 11'34"W., A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST. MANATEE COUNTY, FLORIDA.

AND LESS & EXCEPT;

DESCRIPTION: PROPOSED 12 FOOT ADDITIONAL RIGHT OF WAY FOR U.S. HIGHWAY 41

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89° 36'47"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 593.00 TO A 5/8" IRON ROD STAMPED LB 2230 MARKING THE INTERSECTION OF SAID SOUTH LINE OF SECTION 13 WITH THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 41 FOR A POINT OF BEGINNING; THENCE N.00° 11'34"W., ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 43.82 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF HABEN BOULEVARD; THENCE N.89° 46'56"E., ALONG SAID SOUTH LINE OF HABEN BOULEVARD A DISTANCE OF 12.00 FEET; THENCE S.00° 11'34"E., A DISTANCE OF 857.43 FEET; THENCE S.89° 46'56"W., A DISTANCE OF 12.00 FEET TO THE INTERSECTION WITH SAID EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 41; THENCE N.00° 11'34"W., ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 814.59 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTIONS 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

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**EXHIBIT "B"**  
**PERMITTED EXCEPTIONS**

1. Real estate taxes for the year 2001 and subsequent years.
2. Matters contained in the City of Palmetto Land Development Code, zoning ordinances affecting the Land, and other applicable governmental laws, ordinances, rules and regulations, including but not limited to the Riviera Dunes DRI Development Order.
3. Notice of the Execution of a Preliminary Development Agreement by RIVIERA DUNES RESORTS, INC., a Florida corporation recorded in Official Record Book 1550, Page 7305 and Official Record Book 1588, Page 3872, and Notice of Modification of Development Order recorded in Official Records book 1647, Page 917, of the Public Records of Manatee County, Florida.
4. Terms, covenants, conditions, restrictions, easements, assessments and possible liens crated by and set forth in the Declaration recorded November 24, 1999, in Official Records Book 1616, Page 4557, of the Public Records of Manatee County, Florida, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national original unless and only to the extent that said covenant(s): (a) is except under Chapter 42, Section 3607 of the United States; or (b) relates to handicap, but does not discriminate against handicapped persons.
5. Easements contained in this Deed.
6. Declaration of Easements recorded in O.R. Book 1672 Page 1381 of the Public Records of Manatee County, Florida.