

Return to:  
Charles H. Carver, Esquire  
McNamara & Carver, P.A.  
2907 Bay to Bay Blvd., Ste. 201  
Tampa, Florida 33629

INSTR # 2006334581

O BK 16698 PG 1224

Pgs 1224 - 1228; (5pgs)

RECORDED 07/13/2006 07:18:37 AM

PAT FRANK CLERK OF COURT

HILLSBOROUGH COUNTY

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DEPUTY CLERK D LeDuc

### FENCE AND DRAINAGE EASEMENT AGREEMENT

THIS FENCE AND DRAINAGE EASEMENT AGREEMENT ("Easement Agreement"), made and entered into this 7<sup>th</sup> day of July 2006, by and among **ASHTON TAMPA RESIDENTIAL, LLC**, a Nevada limited liability company ("Grantor"), and **SOUTHGREEN HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation ("Grantee"). It witnesses as follows:

WHEREAS, Grantor is the fee simple owner of Lots 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 28, Oak Green Way, the Common & Private Drainage Areas, and the other common areas as shown on the plat of SouthGreen recorded in Plat Book 103, page 18 of the Public Records of Hillsborough County, Florida (the "Grantor Parcel"); and

WHEREAS, Grantee is the homeowners association established by Grantor pursuant to the Declaration of Covenants, Conditions, Restrictions and Easements for SouthGreen recorded in Official Records Book 696, page 754, of the Public Records of Hillsborough County, Florida (the "Declaration");

WHEREAS, Grantor desires to grant a fence and drainage easement to the Grantee as more particularly described herein;

NOW, THEREFORE, in and for consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. GRANT OF EASEMENT. Grantor grants and conveys to Grantee a perpetual non-exclusive easement for drainage and to install, erect, maintain, paint, repair and replace a fence and any supporting columns (the "Fence") within the easement area described on Exhibit "A" attached hereto and incorporated herein by reference (the "Easement Area") that is located within the Grantor Parcel. The design, color and height of the Fence, and the selection of the materials used to construct the Fence, shall be determined by Grantee in its sole discretion. The successors and assigns of Grantor shall not paint or alter the Fence nor attach or affix anything to the Fence. Grantor also grants unto Grantee and its agents a non-exclusive and perpetual ingress and egress easement over those portions of their respective parcels that have not now or hereafter been improved with homes or other structures for purposes of Grantee accessing the Easement Area to install, erect, maintain, paint, repair and replace the Fence. Without limiting Grantee's rights established herein, Grantee shall be under no duty to install, erect, maintain, paint, repair and replace the Fence except as may be provided in the Declaration.

BEST IMAGE(S)

THIS IS NOT A

CERTIFIED COPY

2. **REPAIR OF DAMAGE.** Grantee shall expeditiously repair, at its expense, any damage to the Grantor Parcel, and the improvements and landscaping thereon, that results from the Grantee's exercise of its rights established in this Agreement.

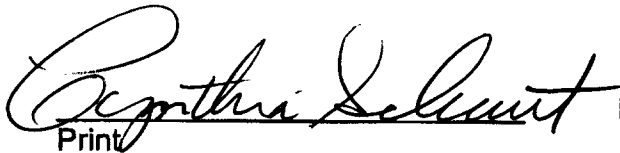
3. **SUCCESSORS AND ASSIGNS.** The burdens and benefits of the easements granted herein shall bind and inure to the successors and assigns of Grantor and Grantee. The terms, covenants and conditions hereof shall be and constitute covenants running with the Easement Parcel.

TO HAVE AND TO HOLD, unto Grantee and its successors and assigns forever.

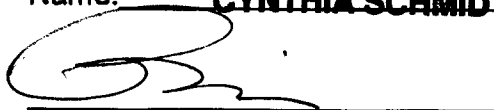
IN WITNESS WHEREOF, Grantor and Grantee have caused this Easement Agreement to be executed and delivered as of the day and year written above.

Signed, sealed, and delivered  
in the presence of:

**ASHTON TAMPA RESIDENTIAL, LLC,**  
a Nevada limited liability company

  
Print  
Name: **CYNTHIA SCHMIDT**

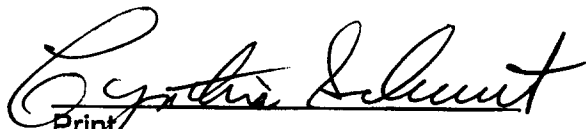
By:   
HEIDI H. KELLY, Manager

  
Print  
Name: **LISA BLAINE**  
As to Grantor


Address: 1410 N. Westshore Boulevard  
Suite 600  
Tampa, Florida 33607

"GRANTOR"

**SOUTHGREEN HOMEOWNERS  
ASSOCIATION, INC.,** a Florida not-for-profit  
corporation

  
Print  
Name: **CYNTHIA SCHMIDT**

By:   
HEIDI H. KELLY, Vice President

  
Print  
Name: **LISA BLAINE**  
As to Grantee

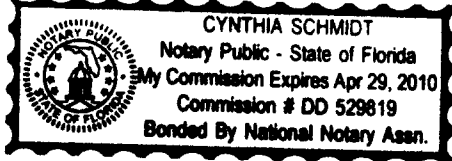
Address: 1410 N. Westshore #600  
Tampa FL 33607

"GRANTEE"

THIS IS NOT A

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of July, 2006, by Heidi H. Kelly, as Manager of **ASHTON TAMPA RESIDENTIAL, LLC**, a Nevada limited liability company, on behalf of said company. She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

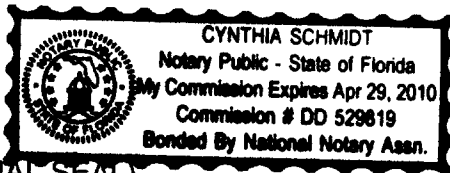


(NOTARIAL SEAL)

Cynthia Schmidt  
Print or  
Stamp Name: \_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_  
My serial number is: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of July, 2006, by Heidi H. Kelly, as Vice President of **SOUTHGREEN HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.



(NOTARIAL SEAL)

Cynthia Schmidt  
Print or  
Stamp Name: \_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_  
My serial number is: \_\_\_\_\_

Ashton/southgreen/docs/easement agreement4

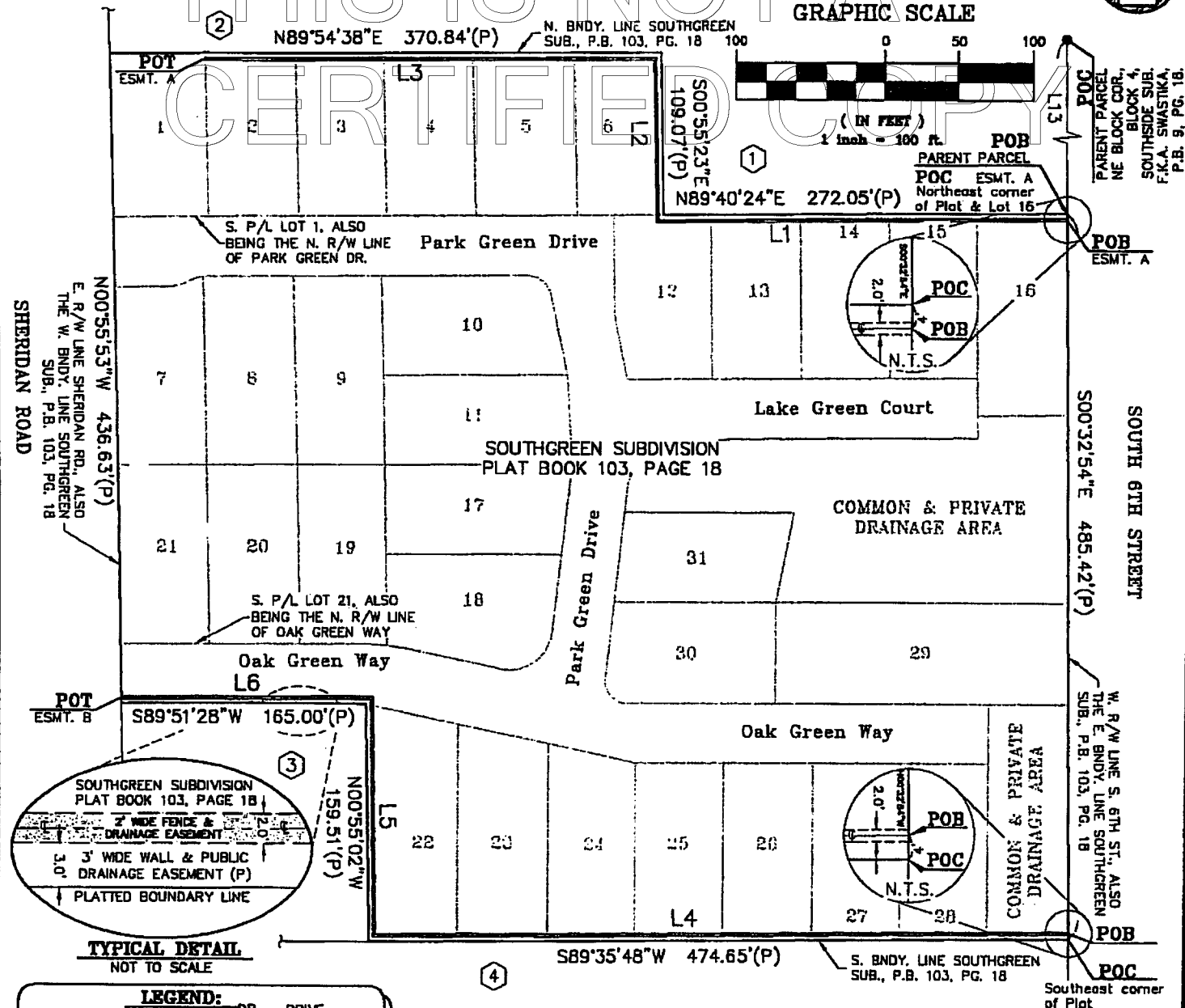
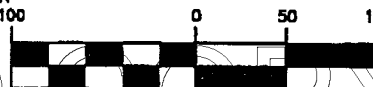
**INDEX:**

SHEET 1.....SKETCH  
SHEET 2.....EASEMENT LEGALS

**MAP OF SKETCH**

A PORTION OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 18 EAST  
CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA

**GRAPHIC SCALE**



UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

**SURVEYORS CERTIFICATE**

THIS CERTIFIES THAT THE SKETCH REPRESENTED HEREON WAS CREATED UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS CHAPTER 61017-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

*Charles David Ferraro*  
CHARLES DAVID FERRARO  
REGISTERED LAND SURVEYOR  
FLA. CERT. NO. 4768

DATE 2/28/06  
REVISED 5/13/06  
REVISED 7/3/06

DWG: 2003-020-10  
LICENSED BUSINESS/ LB6640

DRAWN BY: B.G.D. DATE: 8-19-05 FIELD BOOK: N/A PAGE: N/A  
CHECKED BY: C.D.F. DATE: 8-22-05 SCALE: 1" = 100' P.C.: N/A

W.O. NUMBER  
2003-020.10

SHEET  
1 OF 2

**FLD&E SURVEYING**

4519 GEORGE RD. SUITE 130, TAMPA, FL 33634 • (813) 880-9623 • FAX: (813) 880-9055

**ASHTON TAMPA RESIDENTIAL**

2' FENCE & DRAINAGE EASEMENT, SOUTHGREEN SUBDIVISION, P.B. 103, PG. 18

# MAP OF SKETCH

A PORTION OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 18 EAST  
CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA

## LEGAL DESCRIPTION: 2' EASEMENT PARCELS

### EASEMENT "A":

A strip of land 2.0 feet wide, lying within Lots 2 through 16 as per map or plat thereof "Southgreen Subdivision", as recorded in Plat Book 103, Page 18 of the public records of Hillsborough County, Florida lying in Section 10, Township 30 South, Range 18 East, City of Tampa, Hillsborough County, Florida, Said 2' strip of land, the center line of which is described as follows:

Commence at the Northeast corner of said Lot 16 and plat of said Southgreen Subdivision; thence South 00°32'54" East along the Easterly lot line of said Lot 16, also being the Easterly boundary of said plat, for a distance of 4.00 feet to the POINT OF BEGINNING of the herein described centerline; the next three (3) courses are lying 4.00 feet Southerly and Westerly and parallel to the Northerly and Easterly boundaries of said plat "Southgreen Subdivision"; (1) thence South 89°40'24" West, departing said Easterly boundary lines, a distance of 276.03 feet; thence North 00°55'23" West, a distance of 109.09 feet; thence North 89°54'38" West, a distance of 302.83 to the POINT OF TERMINUS.

The side lines of said 2.00 foot easement to be extended or shortened to meet at angle points and to terminate at said lot, right-of-way and existing easement lines.

Containing 1375.88 square feet or 0.032 acres, more or less.

### TOGETHER WITH:

### EASEMENT "B":

A strip of land 2.0 feet wide, lying within Lots 22 through 28, and the Common and Private Drainage Areas of the map or plat thereof "Southgreen Subdivision", as recorded in Plat Book 103, Page 18 of the public records of Hillsborough County, Florida lying in Section 10, Township 30 South, Range 18 East, City of Tampa, Hillsborough County, Florida, Said 2' strip of land, the center line of which is described as follows:

Commence at the Southeasterly corner of said plat "Southgreen Subdivision"; thence North 00°32'54" West along the Easterly Boundary of said plat, a distance of 4.00 feet to the POINT OF BEGINNING of the herein described centerline; the next three (3) courses are lying 4.00 feet Northerly and Easterly and parallel to the Southerly and Westerly boundaries of said plat "Southgreen Subdivision"; (1) thence South 89°35'48" West, departing said Easterly boundary line, a distance of 470.66 feet; (2) thence North 00°55'02" West, a distance of 159.50 feet; (3) thence South 89°51'28" West, a distance of 169.00 feet to the POINT OF TERMINUS.

The side lines of said 2.00 foot easement to be extended or shortened to meet at angle points and to terminate at said lot, right of way and existing easement lines.

Containing 1,598.34 square feet or 0.037 acres, more or less.

## SURVEYOR'S NOTES:

1. Basis of Bearing: the Westerly platted boundary line of the map or plat thereof Southgreen Subdivision, plat book 103, page 18 of the public records of Hillsborough County, Florida, also being the Easterly right-of-way line of Sheridan Road, being North 00°55'53" West.


2. Sketch only. The information depicted hereon should in no way be used as or mistaken for a boundary survey.

3. This sketch was prepared with the benefit of the map or plat thereof Southgreen Subdivision, plat book 103, page 18 of the public records of Hillsborough County, Florida, as prepared by FLD&E Surveying. Copies of said plat are available through the Hillsborough County Clerk of the Circuit Court.

## INDEX:

SHEET 1.....SKETCH  
SHEET 2.....EASEMENT LEGALS

SKETCH ONLY! NOT A BOUNDARY SURVEY!

				<b>FLD&amp;E SURVEYING</b>			
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ASHTON TAMPA RESIDENTIAL							
DWG: 2003-020-10				2' FENCE & DRAINAGE EASEMENT, SOUTHGREEN SUBDIVISION, P.B. 103, PG. 18			
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CHECKED BY: C.D.F.		DATE: 8-22-05		SCALE: N/A		P.C.: N/A	
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				2003-020.10			

Page 2 of 2