

RIGHT OF WAY VACATION AND REALIGNMENT AGREEMENT

The Parties, FARMTON NORTH, LLC, a Delaware limited liability company, (hereinafter "FARMTON") and the CITY OF EDGEWATER, a Florida municipal corporation, (hereinafter "EDGEWATER") agree as follows:

WHEREAS, EDGEWATER adopted the Deering Park North PUD, which changed the alignment for Indian River Boulevard ("IRB") from a direct west direction to northwest direction and tied it into the new Williamson Boulevard right-of-way. Said concept plan alignment is attached hereto as Exhibit "A"; and

WHEREAS, EDGEWATER previously solicited and received contribution of Right of Way from adjoining property owners to allow the extension of IRB in a westerly direction from Interstate 95, including Right of Way that will no longer be built based on the approved zoning for this area. A description and sketch of said donated right of way that is no longer required for the construction of Indian River Boulevard is attached and incorporated hereto as Exhibit B, and

WHEREAS, FARMTON is in the process of amending the permits for the Deering Park North project, consistent with the terms of the Deering Park North PUD and as such needs to determine what areas will be developed as roadway and paved impervious surface, and

WHEREAS, the parties desire to provide for the substitution and vacation of the previously donated right of way provided prior to the approval of the Deering Park North PUD in exchange for appropriate right of way for the extension of Indian River Boulevard as provided for in the conceptual plan shown in the attached Exhibit A, and

WHEREAS, EDGEWATER shall require dedication of right of way subsequent to construction of the Indian River Boulevard extension shown in Exhibit A, and the parties desire to confirm by agreement that said right of way shall be dedicated upon completion of construction and acceptance by EDGEWATER, and

WHEREAS, permitting will require the ownership of the subject property by FARMTON, including the right of way shown in Exhibit B, to be determined prior to construction of Indian River Boulevard as provided in Exhibit A, and thus will be requesting vacation of the area shown in Exhibit B as part of this agreement and with the specific agreement to provide such extension of right of way in the planned area shown in Exhibit A and, in addition,

WHEREAS the parties agree that Edgewater owns existing and future potable water supply well sites and associated infrastructure along the right of way of Opossum Camp Road of the FARMTON parcel, which is to be vacated, and,

WHEREAS the parties confirm and agree that after the right of way is vacated, EDGEWATER will continue to own all of the well sites, and associated infrastructure and an access easement to said well sites and infrastructure, and,

WHEREAS it is contemplated that FARMTON will donate additional well sites, the parties also confirm and agree that those well sites and associated infrastructure will be owned by Edgewater upon such transfer by dedication or deed, and, and with access to such additional well sites and infrastructure, added to this agreement, and,

THEREFORE, the parties agree as follows:

1. FARMTON shall file for a vacation of the previously donated right of way that will be unused for the extension of Indian River Boulevard as shown in Exhibit B hereinabove.

2. Said vacation shall include conditions that provide for the dedication of a new right of way for the extension of Indian River Boulevard upon construction and acceptance by EDGEWATER of said IRB extension and FARMTON specifically stipulates and agrees to this condition in the event the vacation of right of way is granted.

3. The Parties agree that an easement in favor of EDGEWATER shall remain to access any wellfields along Oppossum Camp Road of the FARMTON parcel.

4. The Parties agree that this agreement shall be attached as a record of such conditions to any vacation approved by the City Council of EDGEWATER.

5. Prior to the approval of such vacation, and upon request, EDGEWATER, shall provide notice to St. Johns Water Management District of the status of said vacation of right of way and of this agreement request for substitution of right of way alignments.

6. FARMTON agrees to execute the Easement Agreement, attached as Exhibit C, in favor of EDGEWATER which grants. EDGEWATER the continuing ownership and right to use both existing, and any future well sites transferred to the City, within the proposed easement area and an easement for the use of all associated infrastructure therein, and specifically grants to the City of EDGEWATER an access easement, as legally described therein, to allow the City of Edgewater the ability to access, operate, service and maintain the potable water well sites and all associated infrastructure.

IN WITNESS WHEREOF, each of the undersigned has executed this Agreement on behalf of the respective Party set forth below pursuant to the authority granted to each of the undersigned in the action by which each Party approved and adopted this Agreement.

CITY OF EDGEWATER

By: _____

Attest: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2023, by _____ and _____, respectively, on behalf of the City of Edgewater, who acknowledge that they are duly authorized to execute the foregoing Agreement on behalf of the City. They are ☐ personally known to me, or ☐ have produced _____ as identification.

NOTARY PUBLIC

Type or print name:

Commission No.:

FARMTON NORTH, LLC

By: _____

David C. Fuechtman, Manager

Date: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2023, by David C. Fuechtman, Manager, as Manager of Farmton North, LLC, who acknowledges that he is duly authorized to execute the foregoing Agreement. He is ☐ personally known to me, or ☐ has produced _____ as identification.

NOTARY PUBLIC

Type or print name:

Commission No.:

