

THIS INSTRUMENT PREPARED BY:
Shutts & Bowen LLP
Attn: Kyle A. Stevens, Esq.
300 S. Orange Ave., Suite 1600
Orlando, Florida 32801

PIN No.: 3420-650-0985-000-4

**SECOND AMENDMENT TO
DECLARATION OF CROSS ACCESS AND UTILITY EASEMENTS**

THIS SECOND AMENDMENT TO DECLARATION OF CROSS ACCESS AND UTILITY EASEMENTS (this “**Second Amendment**”) is made the ____ day of _____, 2024 (the “**Effective Date**”) by **GATLIN BLVD VENTURES LLC**, a Florida limited liability company (“**Gatlin**”) and **WAFFLE HOUSE, INC.**, a Georgia corporation (“**Waffle**”).

RECITALS

A. Waffle and Yani Enterprises, LLC, a Florida limited liability company (“**Yani**”), entered into that certain Declaration of Cross Access and Utility Easements dated September 27, 2018 and recorded on September 28, 2018 in the Official Records of St. Lucie County, Florida in Book 4186, Page 60 (the “**Original Declaration**”), as amended by that certain First Amendment to Declaration of Cross Access and Utility Easements dated April 1, 2021 and recorded on April 15, 2021 in the Official Records of St. Lucie County, Florida in book 4592, Page 1482 (the “**First Amendment**,” and collectively with the Original Declaration, the “**Declaration**”); and

B. Gatlin is the successor-in-interest of Yani as owner of the “East Parcel” as defined and legally described in the Original Declaration; and

C. Gatlin and Waffle desire to amend the Declaration as provided herein.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals and the benefits conveyed hereby on Gatlin and Waffle, and other good and valuable consideration, the receipt and sufficient of which is hereby acknowledged, Gatlin and Waffle hereby agree as follows:

1. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated into the substantive body of this Second Amendment.

2. **Capitalized Terms.** Each capitalized term used herein but not defined shall have the meaning ascribed thereto in the Original Declaration.

3. **Modification of East Parcel Access Easement.** Exhibit C attached to the Original Declaration is hereby deleted in its entirety and replaced with **Exhibit C** attached hereto.

4. **Effect on Declaration.** Except as modified herein, the Declaration remains unchanged. In the event of a conflict between the Declaration and this Second Amendment, this Second Amendment shall control and govern.

5. **Declaration Ratified.** The terms and provisions of the Declaration, as modified by this Second Amendment, are hereby ratified and affirmed by the parties hereto.

6. **Counterparts.** This Second Amendment may be executed in any number of counterparts, all of which, when taken together, shall constitute one and the same instrument, and any of the parties hereto may execute this Second Amendment by signing any such counterpart.

7. **Authorization.** The parties represent and warrant that the persons signing this Second Amendment have the full power and authority to enter into this Second Amendment and to amend the Declaration and that no further consent is needed from any party.

8. **Recording.** This Second Amendment shall be recorded in the appropriate office for the recordation of real estate conveyances in St. Lucie County, Florida.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, this Second Amendment to Declaration of Cross Access and Utility Easements has been executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

GATLIN BLVD VENTURES LLC,
a Florida limited liability company

By: _____

Name: _____

Title: _____

Veronica Baron
Manager

Witness

Print Name: _____

Address: _____

James M. Clary III
500 SE Osceola St
Stuart, FL 34994

Witness

Print Name: _____

Address: _____

Jamison Weeks
500 SE Osceola St.
Stuart, FL 34994

STATE OF FLORIDA

COUNTY OF _____

MARTIN

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2024 by Veronica Baron Manager of **GATLIN BLVD VENTURES LLC**, a Florida limited liability company, on behalf of the company, who is ☐ personally known to me or ☐ has produced his/her _____ as identification.

(Affix Seal)

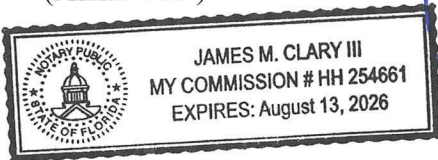
Print Name: _____

Notary Public – State of Florida

Commission Number: _____

My Commission Expires: _____

James M. Clary III



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this Second Amendment to Declaration of Cross Access and Utility Easements has been executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:


WAFFLE HOUSE, INC.,
a Georgia corporation

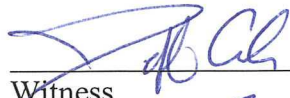


Witness

Print Name: Richard L. Voigt

Address: 5986 Financial Drive
Norcross, GA 30071

By: 
Name: Jeff S. Wright
Title: VP of Property Management



Witness

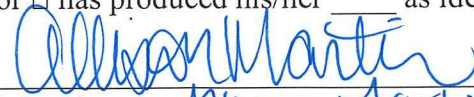
Print Name: JEFF COLE

Address: 5986 Financial Drive
Norcross, GA 30071

STATE OF GEORGIA
COUNTY OF Gwinnett

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5 day of June, 2024 by Jeff S. Wright VP of Property Management of WAFFLE HOUSE, INC., a Georgia corporation, on behalf of the corporation, who is ☒ personally known to me or ☐ has produced his/her _____ as identification.




Print Name: Allison Martin
Notary Public – State of Georgia
Commission Number: _____
My Commission Expires: December 1, 2026

JOINDER OF THE CITY OF PORT ST. LUCIE

The City of Port St. Lucie, Florida, a municipal corporation of St. Lucie County, Florida, hereby executes this Joinder to the Second Amendment to Declaration of Cross Access and Utility Easements pursuant to Section 8 of the Declaration providing that any modification of the Declaration shall be binding only if evidenced in writing signed by each owner of the West Parcel and the East Parcel and the City of Port St. Lucie.

Attest:

CITY OF PORT ST. LUCIE, FLORIDA

Name: _____
Title: City Clerk

By: _____
Name: _____
Title: _____
Date: _____

Approved as to form and legal sufficiency:

Name: _____
Title: City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2024 by _____, _____ of CITY OF PORT ST. LUCIE, FLORIDA, a municipal corporation of St. Lucie County, Florida, on behalf of the City, who is ☐ personally known to me or ☐ has produced his/her ____ as identification.

(Affix Seal)

Print Name: _____
Notary Public – State of Florida
Commission Number: _____
My Commission Expires: _____

EXHIBIT C
Sketch and Legal Description of East Parcel Access Easement
(attached)

NOTE:

DESCRIPTION NOT
VALID WITHOUT
SKETCH.

THIS IS NOT A SURVEY**DESCRIPTION:**

THAT CERTAIN PARCEL OF LAND BEING A PORTION OF LOTS 25, 26 AND 27, BLOCK 1704, PORT ST. LUCIE SECTION 31, ACCORDING TO THE PLAT THEREOF ON FILE IN PLAT BOOK 14, PAGES 22A-22G, INCLUSIVE, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 27, THENCE SOUTH 02°22'54" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF KENSINGTON STREET, A DISTANCE OF 10.44 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 02°22'54" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 26.57 FEET TO A POINT OF NON-TANGENT INTERSECTION WITH A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 25.00 FEET, TO WHICH A RADIAL LINE BEARS NORTH 07°05'22" EAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°28'16" AN ARC DISTANCE OF 4.13 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°37'06" WEST, A DISTANCE OF 213.42 FEET; THENCE SOUTH 58°09'47" WEST, A DISTANCE OF 39.58 FEET TO THE WEST LINE OF SAID LOT 25; THENCE NORTH 02°22'54" WEST ALONG SAID WEST LINE, A DISTANCE OF 29.86 FEET; THENCE NORTH 58°09'47" EAST, A DISTANCE OF 30.94 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 3.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°27'19" AN ARC DISTANCE OF 1.54 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 87°37'06" EAST, A DISTANCE OF 220.22 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°43'42" AN ARC DISTANCE OF 3.37 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING THE POINT OF BEGINNING.

CONTAINING 6672.51 SQUARE FEET, MORE OR LESS.

NOTE:

DESCRIPTION NOT VALID WITHOUT SKETCH.

**Michael T
Owen**

Digitally signed by Michael
T Owen

Date: 2024.06.12 08:50:38
-04'00'

MICHAEL T. OWEN
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION #5556

SIGNATURE DATE

**SKETCH & DESCRIPTION OF:
ACCESS EASEMENT**

PREPARED FOR:
**J BARON
DEVELOPMENT LLC**

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY
SUITE 201
PORT SAINT LUCIE, FL 34987
☎ 772-462-2455
🌐 www.edc-inc.com



**ENGINEERS & SURVEYORS
ENVIRONMENTAL**
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

REVISIONS | 06/10/24 COMMENT REVISIONS - ATR

PROJ. #: 22-313 DATE: 6/10/2024 DRAWN BY: ATR CHECKED BY: MTO SCALE: 1"=40' CAD FILE: 22-313 -S&D NEW ACCESS rev1-.dwg
Z: \EDC-2022\22-313 - Gatlin Subway - Yani\SURVEY\Dwg - PDF\Survey\22-313 -S&D NEW ACCESS rev1-.dwg, 6/10/2024 11:25 AM

**SHEET
1 OF 2**

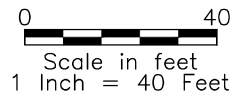
ABBREVIATION LEGEND

PORT ST. LUCIE,
SECTION THIRTY-ONE
PLAT BOOK 14,
PAGES 22A-22G

N58°09'47"E 30.94'
 L=1.54' R=3.00' Δ=29°27'19"
 S02°22'54"E 10.44' LOT 27
 L=3.37' R=25.00' Δ=7°43'42"
 SOUTH RIGHT-OF-WAY LINE
 N87°37'06"E 220.22'
 N02°22'54"W 29.86'
 ACCESS AND UTILITY EASEMENT
 AREA= 6672.51 SQ. FT ±
 S02°22'54"E 26.57'
 S87°37'06"W 213.42'
 LOT 24
 LOT 25
 LOT 26
 LOT 27
 L=4.13' R=25.00' Δ=9°28'16"
 S58°09'47"W 39.58'
 N07°05'22"E(R)
 BLOCK 1704
 PARCEL No.3420-650-0985-000-4
 WEST LINE OF LOT 25
 WEST RIGHT-OF-WAY LINE BEARING BASIS
 SW KENSINGTON STREET
 (60' PUBLIC RIGHT-OF-WAY)
 NORTH RIGHT-OF-WAY LINE
 SW GATLIN BOULEVARD
 (200' PUBLIC RIGHT-OF-WAY)
 P.O.C.
 P.O.B.

NOTES:

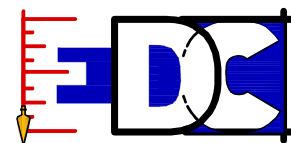
1. BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST RIGHT-OF-WAY LINE OF SW KENSINGTON STREET, ACCORDING TO THE PLAT OF RECORD, AND BASED ON THE LINE LABELED HEREON AS (BEARING BASIS), ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS SKETCH AND DESCRIPTION IS FOR THE EXCLUSIVE PURPOSE OF DESCRIBING THE PARCEL OR STRIP OF LAND SHOWN AND IS NOT A BOUNDARY SURVEY.
3. SKETCH NOT VALID WITHOUT DESCRIPTION.



SKETCH & DESCRIPTION OF: ACCESS EASEMENT

PREPARED FOR:
J BARON
DEVELOPMENT LLC

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY
SUITE 201
PORT SAINT LUCIE, FL 34987
 772-462-2455
 www.edc-inc.com



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REVISIONS	06/10/24 COMMENT REVISIONS – ATR	
PROJ. #: 22–313 DATE: 6/10/2024 DRAWN BY: ATR CHECKED BY: MTO SCALE: 1"=40' CAD FILE: 22–313 –S&D NEW ACCESS rev1–.dwg Z:\EDC–2022\22–313 – Gatlin Subway – Yani\SURVEY\Dwg – PDF\Survey\22–313 –S&D NEW ACCESS rev1–.dwg, 6/10/2024 11:25 AM		
		SHEET 2 OF 2