

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

PASCO COUNTY, a political subdivision
of the State of Florida,

Petitioner,

Case No.: 51-2008-CA-6828 ES

Division: Y

Parcel Nos.: 108

vs.

WENDY'S INTERNATIONAL, Inc.,
A OHIO CORPORATION, et. al.,


Defendants

MEDIATED SETTLEMENT AGREEMENT


At the Mediation Conference held on July 6, 2009, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Defendants, JOE CRACIUN AND VERNA CRACIUN, the sum of \$95,000.00 in full settlement of all claims for compensation from the Petitioner whatsoever, including statutory interest, but excluding attorney's and experts' fees and costs. Said sum will be subject to claims for apportionment, if any.
2. Petitioner is entitled to a credit in the amount of \$72,600.00 which was previously deposited in the Registry of the Court in this case by Petitioner.
3. Counsel for Petitioner and Defendants will jointly submit to the Court for signature a mutually approved Stipulated Final Judgment in this matter after approval of this Agreement by the Board of County Commissioners of Pasco County.
4. Petitioner will pay Defendants the balance due of \$22,400.00 within 30 days of the actual date of receipt by Petitioner's counsel of a conformed copy of the aforesaid Stipulated Final Judgment from the Court.
5. This Settlement Agreement is subject to review and approval by the Board of County Commissioners of Pasco County.
6. The Court will retain jurisdiction as to the matter of Defendants' attorney's fees, and experts' fees and costs.

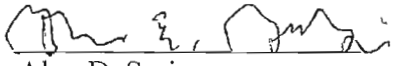
7. This Agreement, dated July 6, 2009 is subject to the contingencies set out in the Addendum.



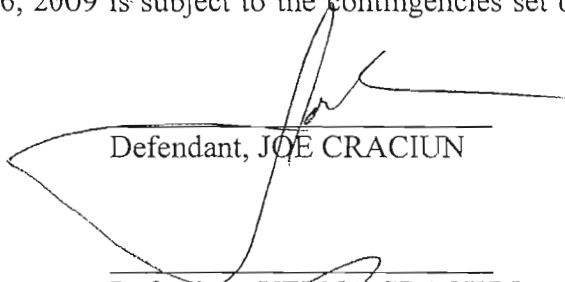
David Edwards
Petitioner, Pasco County



Marcie McDonie, Esquire
Attorney for Petitioner



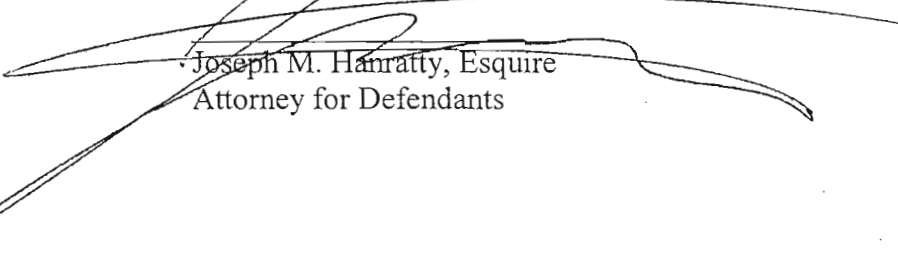
Alan DeSerio
Mediator



Defendant, JOE CRACIUN



Defendant, VERNA CRACIUN

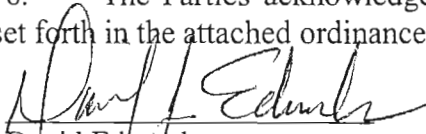


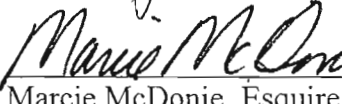
Joseph M. Hanraff, Esquire
Attorney for Defendants

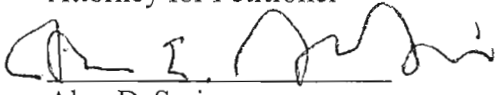
ADDENDUM TO MEDIATED SETTLEMENT DATED JULY 6, 2009

The Pasco County Real Estate Manager supports the Defendants requested contingencies set out below:

1. The Defendants will submit for approval a site plan for the subject property similar to the exhibit attached hereto. The Parties acknowledge that the actual site plan to be submitted will differ from the exhibit attached hereto and that it is submitted for demonstrative purposes of the variances which represent the requested contingencies.
2. The Defendants will request the front yard set back of 15 feet to be modified to 10 feet.
3. The Defendants will request the west boundary landscape buffer of 10 feet to be modified to 5 feet.
4. The Defendants will request the rear yard set back of 30 feet to be modified to zero feet except that the set back area from the wetland shall be maintained.
5. The parties acknowledge that it will take up to 6 months to obtain site plan approval with the requested contingencies, if approved. The Parties may agree to extend this timeframe.
6. The Parties acknowledge that the timeframe for constructing the improvements are as set forth in the attached ordinance.

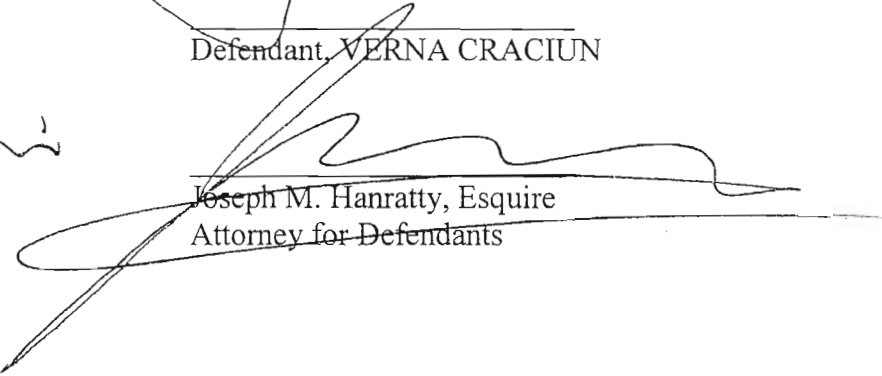

David Edwards
Petitioner, Pasco County


Marcie McDonie, Esquire
Attorney for Petitioner


Alan DeSerio
Mediator


Defendant, JOE CRACIUN


Defendant, VERNA CRACIUN


Joseph M. Hanratty, Esquire
Attorney for Defendants

SKETCH AND DESCRIPTION PARCEL 108

DESCRIPTION:
A PARCEL OF LAND BEING A PORTION OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, N 0° 22' 10" E, A DISTANCE OF 13.48 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 54; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, S 77° 26' 47" E, A DISTANCE OF 455.99 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1859.86 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30° 51' 45", A DISTANCE OF 1001.82 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, N 71° 41' 29" E, A DISTANCE OF 151.09 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 3708 PAGE 848 FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE, ALONG THE WEST LINE OF SAID PARCEL OF LAND, N 31° 18' 48" W, A DISTANCE OF 36.94 FEET; THENCE DEPARTING SAID WEST LINE, S 72° 58' 18" E, A DISTANCE OF 37.96 FEET; THENCE, N 69° 22' 09" E, A DISTANCE OF 172.76 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID PARCEL OF LAND; THENCE ALONG SAID EAST LINE, S 31° 19' 35" E, A DISTANCE OF 21.55 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 54, SAID POINT BEING THE SOUTHEAST CORNER OF SAID PARCEL OF LAND; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, S 71° 41' 29" W, A DISTANCE OF 200.10 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID PARCEL OF LAND AND THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.
CONTAINING 3696 SQUARE FEET, MORE OR LESS

LINE	BEARING	DISTANCE
L1	N 31° 18' 48" W (D)	36.94'
L2	S 72° 58' 18" E	37.96'
L3	S 31° 19' 35" E (D)	172.76'
L4	S 71° 41' 29" W (D)	21.55'
L5	S 71° 41' 13" W (D)	200.10'
		200.00' (D)

Curve 104A
 $\Delta = 6^{\circ}47'20"$ (LT)
 L = 43.84'
 R = 370.00'
 C.D. = 43.82'
 C.B. = N34°42'30" W

Curve 104B (D)
 $\Delta = 6^{\circ}47'20"$ (LT)
 L = 43.84'
 R = 370.00'
 C.D. = 43.81'
 C.B. = N34°42'27" W

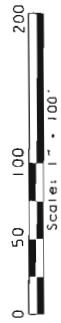
PARENT TRACT:
OR BK: 3708 PG: 848

WEST LINE
OR BK 3708 PG 848

EAST LINE
OR BK 3708 PG 848

SE COR
OR BK 3708 PG 848

POB
OR BK 3708 PG 848



LEGEND:

- (C) : CALCULATED
- P-I. : POINT OF INTERSECTION
- C-B. : CHORD BEARING
- C-D. : CHORD DISTANCE
- CO. : COUNTY
- COR. : CORNER
- Δ : DELTA (CENTRAL) ANGLE
- FO. : FOUND
- FOU : FOUND CONCRETE MONUMENT
- FPK8D : FOUND PARKER RALON NAIL DISK
- L : ARC LENGTH
- LB : LICENSED BUSINESS
- L5 : LICENSE
- LT : LEFT
- NO. : NUMBER
- (O/A) : OVERALL
- OR BK : OFFICIAL RECORD BOOK
- (P) : PLAT
- P.C. : POINT OF CURVATURE
- PG : PAGE
- P-I. : POINT OF INTERSECTION
- POB : POINT OF BEGINNING
- POC : POINT OF COMMENCEMENT
- PROJ. : PROJECT
- PSM : PROFESSIONAL SURVEYOR AND MAPPER
- P-T. : POINT OF TANGENCY
- R/W : RADIUS OF WAY
- RNC : RANGE
- RT : RIGHT
- SEC. : SECTION
- S-R. : STATE ROAD
- STA. : STATION
- SWFWO : SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
- T : TANGENT
- TWP : TOWNSHIP

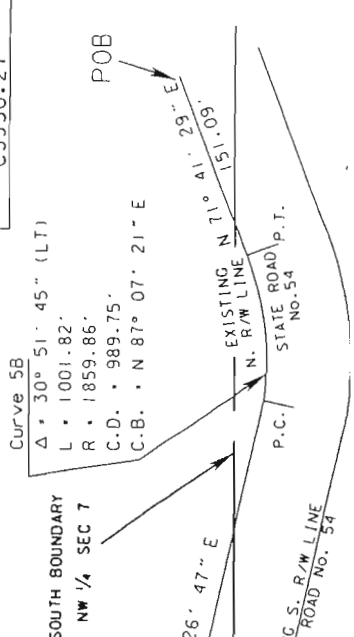
NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, UTILIZING CONTROL POINTS E. 541990.61101 AND STANLEY 5536 (N. 4158248.1085, E. 55201.2).
2. ALL BEARINGS AND DISTANCES FOR PARCEL SHOWN AND DESCRIBED HEREON ARE CALCULATED UNLESS OTHERWISE SPECIFIED.

Curve 5B
 $\Delta = 30^{\circ} 51' 45"$ (LT)
 L = 1001.82'
 R = 1859.86'
 C.D. = 989.75'
 C.B. = N 87° 07' 21" E

GEORGE F. YOUNG, INC. LB021
 299 DR. MARTIN LUTHER KING, JR ST. N.
 ST. PETERSBURG, FL 33701
 G.F.Y. PROJECT - 0413004000

SECTION 7, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA
 PASCO CO. PROJ. ID. C3330.27



INSET
NOT TO SCALE

STATE ROAD NO. 54
 STATE ROAD NO. 54
 STATE ROAD NO. 54

THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY

2/21/08

TIMOTHY T. ODELL
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 6299

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.

PASCO COUNTY
 ENGINEERING SERVICES

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 54 PASCO COUNTY

PRELIM	DATE	APPROVED BY	DATE
FINAL	09-07		
CHECKED	12-07		

PREPARED BY	FIELD BOOK NO. 5
GEORGE F. YOUNG, INC.	651.652.653.654.655
W.P.I. NO. N/A	SCALE 1" = 100'
COUNTY PROJECT NO. C3330.27	SHEET 1 OF 1