

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 4185 West Lake Mary Blvd – Heather Ramos, applicant; Request for a special exception for a packaged liquor store in PUD (Planned Unit Development) district.

DEPARTMENT: Growth Management **DIVISION:** Planning & Development

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT:** 7387

Agenda Date 02/22/10 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for a special exception for a packaged liquor store in PUD (Planned Unit Development) district; or
2. **Deny** the request for a special exception for a packaged liquor store in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Owner: Location: Zoning:</p>	<p>Publix, Heather Ramos, Representative LMC Venture LLC 4185 Lake Mary Blvd Etor PUD (C-2 uses)</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • Publix proposes to open a package liquor store within the ETOR PUD adjacent to the existing Publix Supermarket. Publix grocery store currently sells beer and wine. In order to sell liquor, State law requires a separate entrance therefore they are proposing a separate storefront adjacent to the grocery store for this purpose. • The ETOR PUD allows C-2 uses. Under C-2, alcoholic beverage establishments may be permitted as a special exception. Where selling of alcoholic beverages either for on or off-premise consumption is not clearly incidental to other products offered for sale, this shall require approval of a special exception by the Board of Adjustment. 	

Reviewed by:	<i>JLC</i>
Co Atty:	
Pln Mgr:	

**STANDARDS FOR
GRANTING A
SPECIAL EXCEPTION;
LDC SECTION
30.43(b)(2)**

The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:

IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:

The proposed use will be consistent with the other retail uses in the area. The existing store currently sells alcoholic beverages but due to the state's requirements they need to create a separate store. The use will not be detrimental to the character of the area with the imposition of the recommended conditions of approval which address the impacts, if any, to adjacent uses.

DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:

This is located within a commercial center and therefore will have no adverse effect on the traffic pattern.

IS CONSISTENT WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN:

The Seminole County Comprehensive Plan states that the Commercial future land use will provide for a variety of land uses and intensities within a development site. Those uses include commercial uses in which the sale of alcoholic beverage would be permitted as an accessory use to other retail goods.

MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:

Based on the submitted site plan, the proposed use existing and proposed buildings meet the minimum area and dimensional requirements of the PUD district.

WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:

The site currently allows for the sale of alcoholic beverages but the addition of package liquor creates the need for a special

	exception because of the state's requirement for a separate store.
STAFF RECOMMENDATION	Staff recommends approval of the special exception subject to the following conditions: <ol style="list-style-type: none">1. The special exception granted is for a package liquor store within Space 3 in the Lake Mary Collection Shopping Center.2. The unit shall not be increased more than 10% in square footage without Board of Adjustment approval.3. The sale of alcoholic beverage will be for off-premise consumption.4. Hours of operation: Monday through Saturday 10:00 AM to 10:00 PM Sunday 11:00 AM to 9:00 PM

COPY

Fee: \$370.00

Application # PS2010-01
Meeting Date 2-22-10



SPECIAL EXCEPTION APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Publix Super Markets, Inc. Store Number 1127 / Heather Ramos

Address: 4195 West Lake Mary Boulevard City: Lake Mary Zip code: 32746

Project Address: 4185 West Lake Mary Boulevard City: Lake Mary Zip code: 32746

Phone number(s): 407-843-8880

Email address: heather.ramos@gray-robinson.com

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: _____

Is the property available for inspection without an appointment? Yes No

What is the current use of the property? vacant (previously a shipping store)

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required **pre-application conference** has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

Signed: *Heather Ramos*

FOR OFFICE USE ONLY

Date Submitted: <u>1-5-10</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>18-20-30-511-0000-0010</u>	<u>Zoning/FLU P40 / com</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	

SPECIAL EXCEPTION SUBMITTAL CHECKLIST

<p>A Special Exception is approved to a detailed <u>conceptual</u> site plan. Following approval of the Special Exception by the Board of Adjustment a final engineered site plan is required to be submitted to Development Review. See link for Site Plan Review information: http://www.seminolecountyfl.gov/pd/devrev/plansummary.asp</p>	
Tab 1	1. Completed application.
Tab 2	2. Provide a statement of the request including a summary of the business operation. Include information such as: square footage of facilities; hours of operation; seating capacity; number of clients, or students; number of staff and how many shifts; and address any other site concerns that may impact adjacent properties.
Tab 3	3. Ownership Disclosure Form (Seminole County Application & Affidavit).
Tab 4	4. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
Tab 5	5. A Special Exception is approved to a detailed conceptual site plan and should include, at minimum, the following information:
	o Size and dimensions of the parcel
	o Location of wetland and/or flood plain line, if applicable
	o Location and names of all abutting streets
	o Location of driveways
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Proposed fences
	o Location and size of buffers: show existing and proposed landscaping, fences and walls
	o Location, number and size of existing and proposed parking spaces
	o Location of existing and proposed outdoor lighting
	o Location of existing and proposed signage
	o Location of fire lanes
Tab 6	6. Provide an 8 ½ x 11 reduction of the site plan.

GRAY | ROBINSON
ATTORNEYS AT LAW

SUITE 1400
301 EAST PINE STREET (32801)
P.O. BOX 3068
ORLANDO, FLORIDA 32802-3068
TEL 407-843-8880
FAX 407-244-5690

FORT LAUDERDALE
JACKSONVILLE
KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA

RECEIVED JAN 08 2010

Heather M. Ramos

407-244-5670

HEATHER.RAMOS@GRAY-ROBINSON.COM

January 7, 2010

VIA FEDERAL EXPRESS

Seminole County Planning Division
1101 East First Street, Room 2201
Sanford, FL 32771

Re: Alcoholic Beverage Establishment State Licensing and Special Exception Application
Publix Super Market – 4195 West Lake Mary Boulevard

To Whom It May Concern:

Enclosed please find the Special Exception Application and the application check for \$370.00 for Publix Super Markets, Inc., Store Number 1127 as follows:

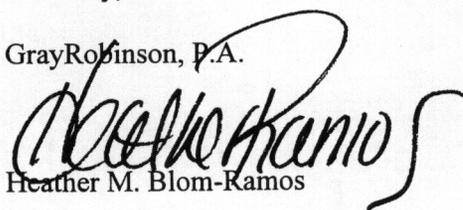
- Tab 1 – Special Exception Application
- Tab 2 – Statement of the Request
- Tab 3 – Ownership Disclosure Form
- Tab 4 – Owner's Authorization Letter
- Tab 5 – Site Plan Information
- Tab 6 – 8 1/2 x 11 Site Plan

Also enclosed is the Alcoholic Beverage Establishment State Licensing application for Store Number 1127 and the application check for \$135.00. A copy of the DBPR License Form Section 5: Description of Premises is included. The proposed sale of alcohol will be for off premises consumption only, accordingly, the separation affidavit is not required per section 30.1353(b)(4) of the County's code.

Please contact me if you need further information.

Sincerely,

GrayRobinson, P.A.


Heather M. Blom-Ramos

HMR/sdh

Enclosures

cc: Merriann Metz, Esquire
Grace Yang, Esquire

407-244-5670
HRAMOS@GRAY-ROBINSON.COM

MEMORANDUM

TO: Seminole County Planning Division
FROM: Heather M. Blom-Ramos
DATE: January 4, 2010
SUBJECT: Publix Super Markets Special Exception Application -- Statement of Request

Applicant Information

Publix Super Markets, Inc., located in the Lake Mary Collection Shopping Center, 4195 West Lake Mary Boulevard, Parcel ID# 18-20-30-511-0000-0010, PUD zoning, is requesting a special exception for a package liquor store.

The package liquor store will be a separate, stand-alone store, located next to the Publix Super Market. It will not be located within the Publix Super Market. The address for the proposed package liquor store is 4185 West Lake Mary Boulevard in the existing Lake Mary Collection Shopping Center.

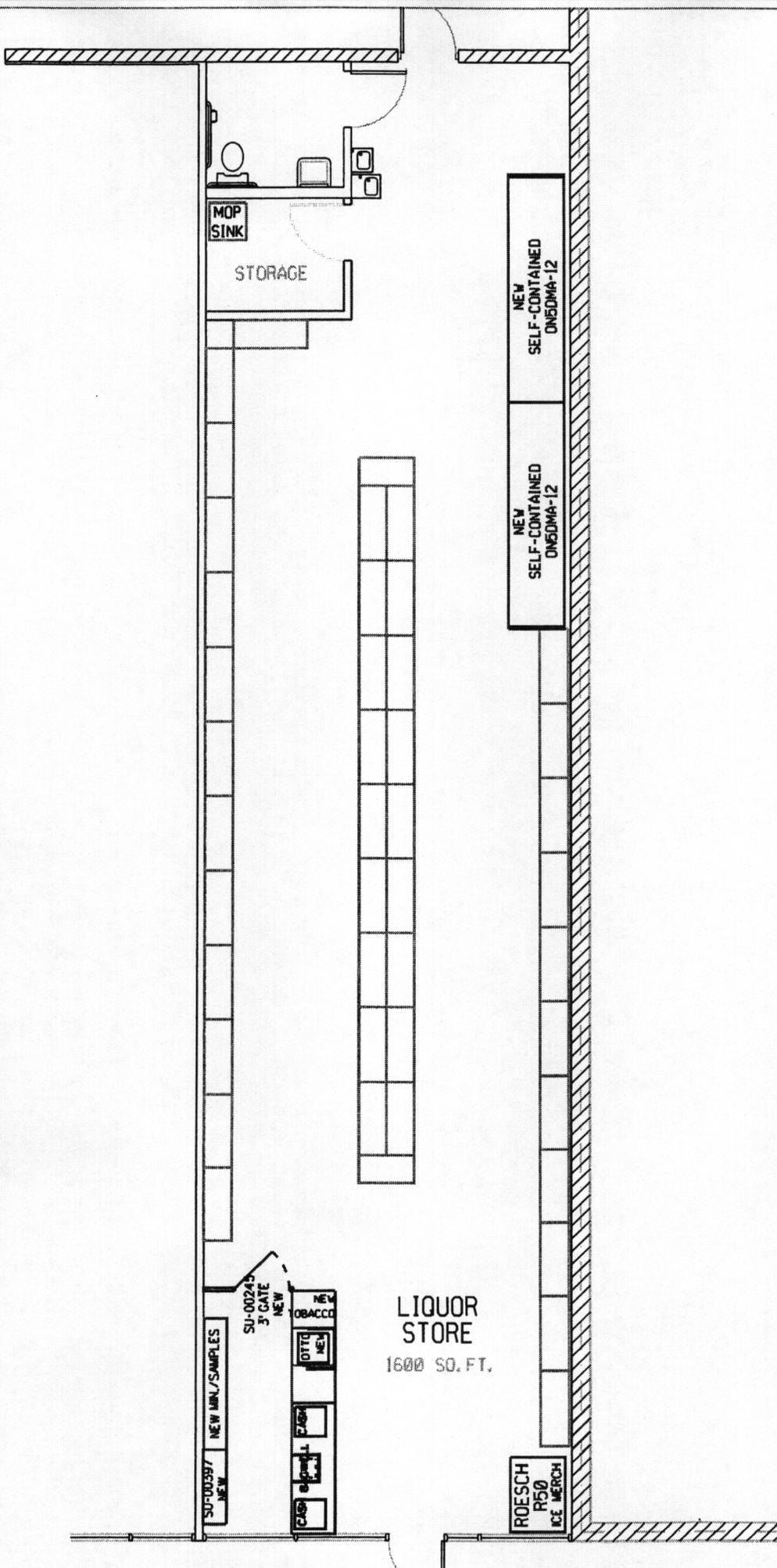
Summary of the Proposed Business Operation

The proposed package liquor store will be placed in space 3 of the Lake Mary Collection Shopping Center as shown in the information provided with Tab 5. Liquor will be sold for *off premises consumption only*.

The proposed hours of operation are from 10:00 a.m. - 10:00 p.m. Monday through Saturday, and 11:00 a.m. - 9:00 p.m. Sunday. Publix expects to have 2 (or more) employees working in the store.

Space 3 - Proposed Site (Now Vacant)

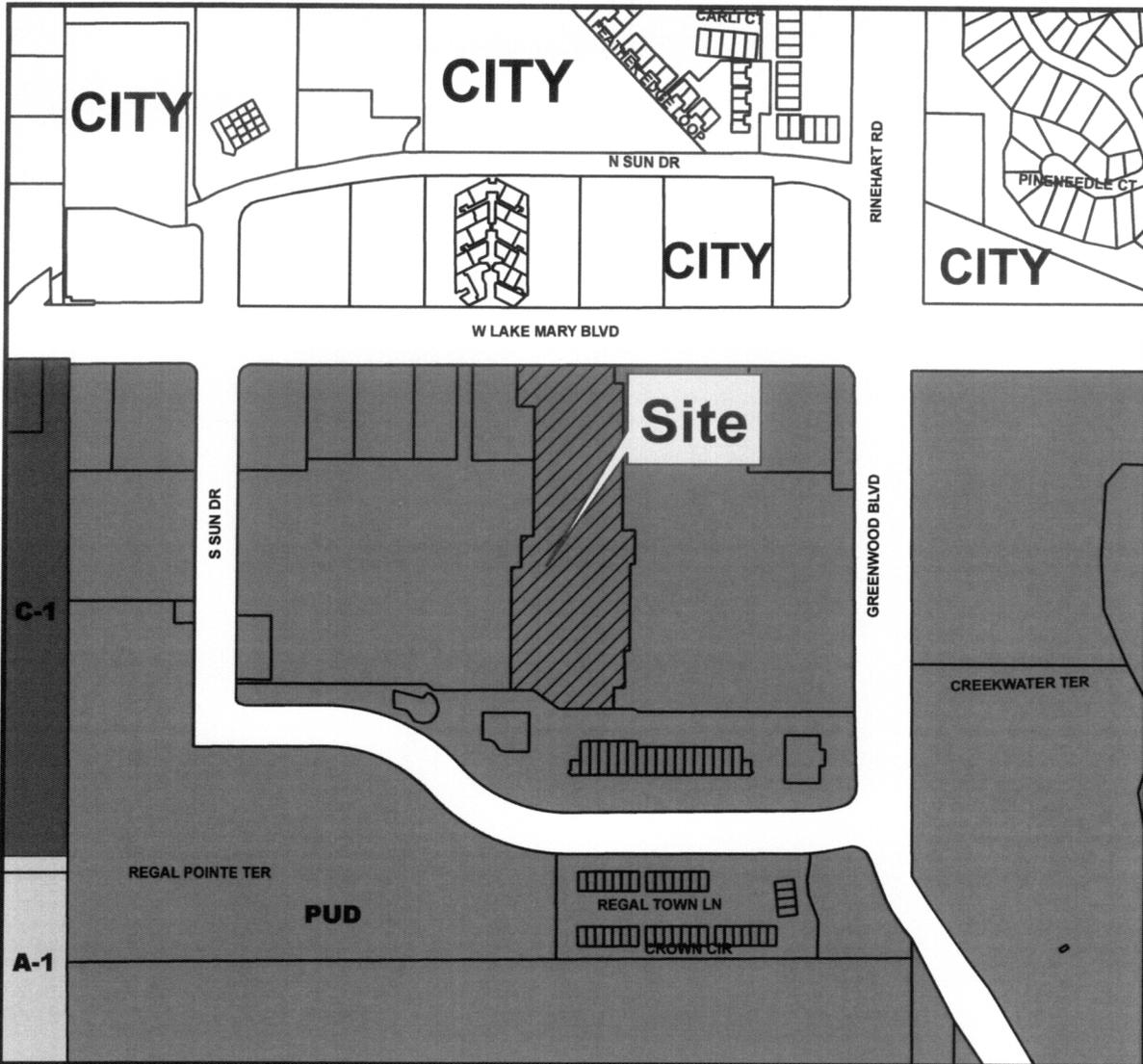




LIQUOR STORE
1600 SQ. FT.

*1127 LIQUOR STORE

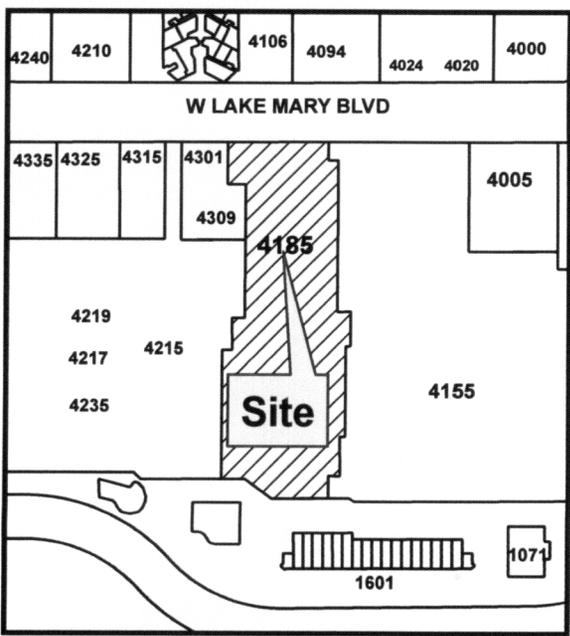
Publix Super Markets, Inc.
 4185 West Lake Mary Boulevard
 Lake Mary, FL 32746



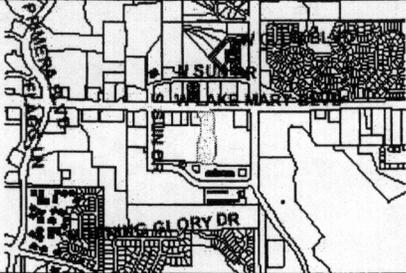
Seminole County Board of Adjustment
 February 22, 2010
 Case: BS2010-01 (Map 3103 Grid C1)
 Parcel No: 18-20-30-511-0000-0010

Zoning

-  BS2010-01
-  A-1
-  C-1
-  PUD

Personal Property Please Select Account

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505</p>																																												
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 18-20-30-511-0000-0010</p> <p>Owner: LMC VENTURE LLC</p> <p>Own/Addr: C/O EXPENSE PAYABLE LEASE TEAM</p> <p>Mailing Address: PO BOX 32025</p> <p>City,State,ZipCode: LAKELAND FL 33802</p> <p>Property Address: 4195 LAKE MARY BLVD W LAKE MARY 32746</p> <p>Facility Name: LAKE MARY COLLECTION (1ST LOT)</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="padding-left: 20px;">Dor: 16-RETAIL CENTER-ANCHOR</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2010 Working</th> <th style="text-align: center;">2009 Certified</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Income</td> <td style="text-align: center;">Income</td> </tr> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: center;">\$5,968,868 *</td> <td style="text-align: center;">\$5,968,868 *</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: center;">\$5,968,868 *</td> <td style="text-align: center;">\$5,968,868 *</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p> <p style="text-align: center;">(* Income Approach used.)</p>	VALUES	2010 Working	2009 Certified	Value Method	Income	Income	Number of Buildings	2	2	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$0	\$0	Land Value Ag	\$0	\$0	Just/Market Value	\$5,968,868 *	\$5,968,868 *	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$5,968,868 *	\$5,968,868 *									
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2 MASONRY PILAS 1997 20 6,550 1 CONCRETE BLOCK - MASONRY \$447,053 \$533,795

Subsection / Sqft OPEN PORCH FINISHED / 772

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1997	205,000	\$125,921	\$186,550
COMMERCIAL CONCRETE DR 4 IN	1997	11,216	\$16,126	\$23,890
POLE LIGHT STEEL 1 ARM	1997	11	\$10,604	\$10,604
POLE LIGHT STEEL 3 ARM	1997	3	\$12,231	\$12,231
ALUM PORCH W/CONC FL	1997	244	\$899	\$1,586
BLOCK WALL	1997	380	\$770	\$1,140

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
See attached list			

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

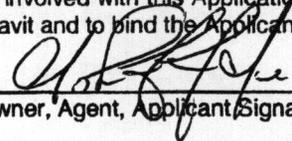
NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

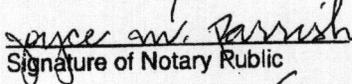
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

12/29/09
Date


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Polk

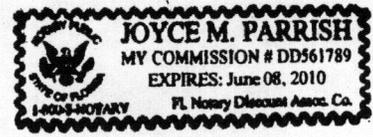
Sworn to (or affirmed) and subscribed before me this 29th day of December, 2009 by John A. Atkaway, Sr.


Signature of Notary Public

Joyce M. Parrish
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____

Type of Identification Produced _____



For Use by Planning & Development Staff	
Date: _____	Application Number: _____

**Attachment 1
to
SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
William E. Crenshaw	Chief Executive Officer	3300 Publix Corporate Pkwy Lakeland, FL 33811-3311	N/A
John A. Attaway, Jr.	Senior Vice President	3300 Publix Corporate Pkwy Lakeland, FL 33811-3311	
David P. Phillips	Chief Financial Officer and Treasurer	3300 Publix Corporate Pkwy Lakeland, FL 33811-3311	
Randall T. Jones	President	3300 Publix Corporate Pkwy Lakeland, FL 33811-3311	
John R. Frazier	Vice President	3300 Publix Corporate Pkwy Lakeland, FL 33811-3311	
ave Duncan	Vice President	3300 Publix Corporate Pkwy Lakeland, FL 33811-3311	



FLORIDA DEPARTMENT OF STATE
Division of Corporations

November 17, 2006

WALTER E ENGLE III
PO BOX 407
LAKELAND, FL 33802-0407

Re: Document Number 112252

The Articles of Merger were filed November 16, 2006, for PUBLIX SUPER MARKETS, INC., the surviving Florida entity.

The certification you requested is enclosed.

Should you have any further questions concerning this matter, please feel free to call (850) 245-6050, the Amendment Filing Section.

Gina McLeod
Document Specialist
Division of Corporations

Letter Number: 706A00067414

State of Florida



Department of State

I certify the attached is a true and correct copy of the Articles of Merger, filed on November 16, 2006, for PUBLIX SUPER MARKETS, INC., the surviving Florida entity, as shown by the records of this office.

The document number of this entity is 112252.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Seventeenth day of November, 2006



CR2EO22 (01-06)

Sue M. Cobb
Sue M. Cobb
Secretary of State

ARTICLES OF MERGER

These **ARTICLES OF MERGER** (the "Articles") are made and entered into this 21st day of September, 2006, by and between **LMC VENTURE, LLC**, a Florida limited liability company (the "LLC"), and **PUBLIX SUPER MARKETS, INC.**, a Florida corporation (the "Corporation").

WITNESSETH:

WHEREAS, the Board of Directors of the Corporation and the sole manager of the LLC deem it advisable and in the best interests of the Corporation and the LLC, respectively, and their stockholders and sole member, respectively, that the LLC be merged with and into the Corporation pursuant to Section 607.1108, Florida Statutes, and Section 608.438, Florida Statutes, and do hereby agree upon and prescribe the terms and conditions of said merger and the mode of carrying the same into effect in the following Articles of Merger;

NOW, THEREFORE, the Corporation and the LLC, in consideration of the mutual covenants and provisions hereinafter contained, have agreed and do hereby agree each with the other that the LLC be merged with and into the Corporation pursuant to the provisions of Sections 607.1108, Florida Statutes, and Section 608.438, Florida Statutes, and do hereby agree upon and prescribe the terms and conditions of said merger and the mode of carrying the same into effect in the following Articles of Merger.

These Articles are filed pursuant to Section 607.1109, Florida Statutes, and Section 608.4382, Florida Statutes. Pursuant to Chapter 607, Florida Statutes and Chapter 608, Florida Statutes, at the Effective Time (as defined herein), the LLC shall be, and it hereby is, merged with and into said Corporation (the "Merger"), with the Corporation as the Surviving Entity of the Merger.

ARTICLE I PARTIES TO MERGER; PLAN OF MERGER

The Agreement and Plan of Merger (the "Plan of Merger") for the Merger is attached hereto as **Exhibit A**. The parties to the Merger are **PUBLIX SUPER MARKETS, INC.** (the "Corporation"), which is a Florida corporation, and **LMC VENTURE, LLC** (the "LLC"), which is a Florida limited liability company. The Corporation shall be the Surviving Entity in the Merger.

ARTICLE II APPROVAL OF MERGER

The Plan of Merger was approved by the Corporation in accordance with the applicable provisions of Chapter 607, Florida Statutes, and was approved by the LLC in accordance with the applicable provisions of Chapter 608, Florida Statutes.

FILED
06 NOV 16 PM 1:00
STATE OF FLORIDA
TALLAHASSEE, FLORIDA

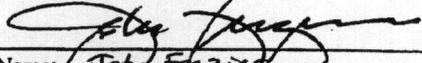
**ARTICLE III
EFFECTIVE DATE**

These Articles and the Merger and the Merger shall be effective simultaneously with the filing of these Articles of Merger with the Department of State of the State of Florida and the payment of all fees and taxes required by the laws of the State of Florida in connection herewith (the "Effective Time").

IN WITNESS WHEREOF, each of the parties has caused these Articles of Merger to be executed as of the day and year first above written.

LMC VENTURE, LLC, a
Florida limited liability company

By: Real Sub, LLC, a Florida limited liability
company, its sole Manager

By: 
Name: John Frazier
Title: Vice President

PUBLIX SUPER MARKETS, INC., a
Florida corporation

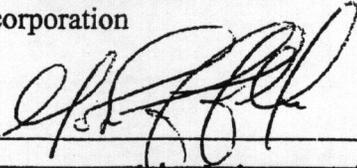
By: 
Name: _____
Title: John A. Attaway, Jr.
Senior Vice President,
General Counsel & Secretary

EXHIBIT A

AGREEMENT AND PLAN OF MERGER

BETWEEN

**LMC VENTURE, LLC,
A Florida limited liability company**

AND

**PUBLIX SUPER MARKETS, INC.,
A Florida corporation**

THIS AGREEMENT AND PLAN OF MERGER (this "Agreement"), dated _____, 2006 is made and entered into by and between **LMC VENTURE, LLC**, a Florida limited liability company (the "LLC") and **PUBLIX SUPER MARKETS, INC.**, a Florida corporation (the "Corporation").

RECITALS:

WHEREAS, the sole manager of the LLC and the Board of Directors of the Corporation has each approved of the merger of the LLC with and into the Corporation (the "Merger") upon the terms and conditions set for in this Agreement; and

WHEREAS, the LLC and the Corporation desire hereby to set forth the terms and conditions for the consummation of the Merger, following which the Corporation shall be the surviving entity (sometimes hereinafter in such capacity, the "Survivor"); and

WHEREAS, the sole member of the LLC has approved of this Agreement and the consummation of the Merger; and

WHEREAS, pursuant to Section 607.1103(7), Florida Statutes, the stockholders of the Corporation are not required to approve of this Agreement or the consummation of the Merger;

NOW, THEREFORE, in consideration of the premises and the mutual agreements and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

ARTICLE I THE MERGER; EFFECTIVE TIME

1.1. The Merger. Upon the terms and subject to the conditions set forth in this Agreement and the laws of the State of Florida, at the Effective Time (as defined in Section 1.2), the LLC shall be merged with and into the Corporation, whereupon the separate existence of the LLC shall cease and the Corporation shall be the surviving entity of the Merger. The Corporation shall cause to be filed Articles of Merger (the "Articles") duly executed by the Corporation and the LLC with the Department of State of the State of Florida.

1.2. Effective Time. The Merger shall be effective simultaneously with the filing of the Articles of Merger with the Department of State of the State of Florida and the payment of all fees and taxes required by the laws of the State of Florida in connection therewith (the "Effective Time").

1.3. **Continuation.** The Corporation as the surviving entity shall continue its existence as a corporation under the laws of the State of Florida.

ARTICLE II ARTICLES OF INCORPORATION

The Articles of Incorporation of the Corporation in effect immediately prior to the Effective Time shall be the Articles of Incorporation of the Survivor, until duly amended as provided therein or by applicable law.

ARTICLE III DIRECTORS AND OFFICERS

The directors and officers of the Corporation at the Effective Time shall be the directors and officers, respectively, of the Survivor on and after the Effective Time until expiration of their current terms and until their successors are elected and qualified, or prior registration, removal or death, subject to the Bylaws and Articles of Incorporation of the Corporation and subsequent actions by the directors or officers of the Survivor.

ARTICLE IV EFFECT OF THE MERGER ON MEMBERSHIP INTERESTS IN LLC AND STOCK OF THE CORPORATION

4.1 **Cancellation of Membership Interests in LLC.** At the Effective Time, all membership interests in the LLC outstanding immediately prior to the Merger shall, by virtue of the Merger and without any action on the part of the holders thereof, be cancelled.

4.2 **Shares of Stock of the Corporation.** At the Effective Time, each share of stock of the Corporation outstanding immediately prior to the Merger shall be unaffected by the Merger and shall remain outstanding as a share of stock in the Corporation.

ARTICLE V MISCELLANEOUS AND GENERAL

5.1 **Modification or Amendment.** Subject to the provisions of applicable law, at any time prior to the Effective Time, the parties hereto may modify or amend this Agreement by written agreement approved by the Board of Directors of the Corporation and the sole manager of the LLC and executed and delivered by duly authorized officers of the Corporation and the sole manager of the LLC, subject to the approval of the sole member of the LLC.

5.2 **Counterparts.** This Agreement may be executed in any number of counterparts, each such counterpart being deemed to be an original instrument, and all such counterparts shall together constitute the same agreement.

5.3 **Governing Law.** This Agreement shall in all respects shall be interpreted, construed and governed by and in accordance with the laws of the State of Florida, without regard to the conflict of law principles thereof.

5.4 **Severability.** The provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any provision shall not affect the validity or enforceability of the other provisions hereof. If any provision of this Agreement, or the application thereof to any person or any circumstance, is invalid or unenforceable, (a) a suitable and equitable provision shall be substituted therefor in order to carry out, so far as may be valid and enforceable, the intent and purpose of such invalid or unenforceable provision and (b) the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected by such invalidity or

AGREEMENT AND PLAN OF MERGER
LMC VENTURE, LLC – PUBLIX SUPER MARKETS, INC.

unenforceability, nor shall such invalidity or unenforceability affect the validity or enforceability of such provision, or the application thereof, in any other jurisdiction.

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the duly authorized officer of the parties hereto as of the date first written above.

LMC VENTURE, LLC, a
Florida limited liability company

By: Real Sub, LLC, a Florida limited liability company,
Its sole Manager

By: _____ [Exhibit Only – Do Not Sign]
Name: _____
Title: _____

PUBLIX SUPER MARKETS, INC., a
Florida corporation

By: _____ [Exhibit Only – Do Not Sign]
Name: _____
Title: _____

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

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Detail by Entity Name

Florida Profit Corporation

PUBLIX SUPER MARKETS, INC.

Filing Information

Document Number 112252
FEI/EIN Number 590324412
Date Filed 12/27/1921
State FL
Status ACTIVE
Last Event MERGER
Event Date Filed 06/16/2009
Event Effective Date NONE

Principal Address

3300 PUBLIX CORPORATE PKWY
LAKELAND FL 33811-3311

Changed 04/27/2005

Mailing Address

P O BOX 32018
TREASURY LICENSES
LAKELAND FL 33802-2018

Changed 02/26/2009

Registered Agent Name & Address

ATTAWAY, JOHN A JR.
3300 PUBLIX CORPORATE PKWY
LAKELAND FL 33811-3311 US

Name Changed: 07/14/2000

Address Changed: 04/27/2005

Officer/Director Detail

Name & Address

Title CEO

CRENSHAW, WILLIAM E
3300 PUBLIX CORPORATE PKWY
LAKELAND FL 33811-3311

Title SRVP

ATTAWAY, JOHN A JR.
3300 PUBLIX CORPORATE PKWY

LAKELAND FL 33811-3311

Title CFOT

PHILLIPS, DAVID P
3300 PUBLIX CORPORATE PKWY
LAKELAND FL 33811-3311

Title P

JONES, RANDALL T
3300 PUBLIX CORPORATE PARKWAY
LAKELAND FL 33811-3311

Title VP

FRAZIER, JOHN R
3300 PUBLIX CORPORATE PKWY
LAKELAND FL 33811-3311

Title VP

DUNCAN, DAVE
3300 PUBLIX CORPORATE PKWY
LAKELAND FL 33811-3311

Annual Reports

Report Year Filed Date

2008	04/07/2008
2008	06/09/2008
2009	02/26/2009

Document Images

06/16/2009 -- Merger	View image in PDF format
02/26/2009 -- ANNUAL REPORT	View image in PDF format
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04/16/2007 -- ANNUAL REPORT	View image in PDF format
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03/29/2001 -- ANNUAL REPORT	View image in PDF format
08/21/2000 -- ANNUAL REPORT	View image in PDF format

- [07/14/2000 -- Reg. Agent Change](#)
- [04/11/2000 -- ANNUAL REPORT](#)
- [04/02/1999 -- ANNUAL REPORT](#)
- [01/29/1998 -- ANNUAL REPORT](#)
- [03/10/1997 -- ANNUAL REPORT](#)
- [02/08/1996 -- ANNUAL REPORT](#)
- [02/14/1995 -- ANNUAL REPORT](#)

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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 22, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

PT OF LOT 1 DESC AS BEG NE COR RUN S 46.95 FT E 28 FT S 324 FT E 20 FT S 96.7 FT W 8.23 FT S 216.39 FT W 10 FT S 90 FT W 31 FT S 92.69 FT W 137.86 FT N 53 DEG 57 MIN 05 SEC W 81.19 FT W 62.69 FT N 362.08 FT E 26.24 FT N 76 FT E 32 FT N 323.70 FT W 53.96 FT N 56.95 FT E 250 FT TO BEG GREENWOOD AT LAKE MARY PB 45 PGS 67

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: LMC VENTURE LLC
C/O EXPENSE PAYABLE LEASE TEAM
PO BOX 32025
LAKELAND FL 33802

Project Name: Lake Mary Blvd (4185)

Special Exception Approval:

Special exception for a packaged liquor store in PUD (Planned Unit Development) district.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The special exception granted is for a package liquor store within Space 3 in the Lake Mary Collection Shopping Center.
2. The unit shall not be increased more than 10% in square footage without Board of Adjustment approval.
3. The sale of alcoholic beverage will be for off-premise consumption.
4. Hours of operation:
Monday through Saturday 10:00 AM to 10:00 PM
Sunday 11:00 AM to 9:00 PM
5. The special exception granted shall expire one (1) year after approval unless a development permit based upon and incorporating the special exception is obtained within the one (1) year period. One six (6) month extension may be granted by the Board. SCLDC 30.45

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning & Development Manager

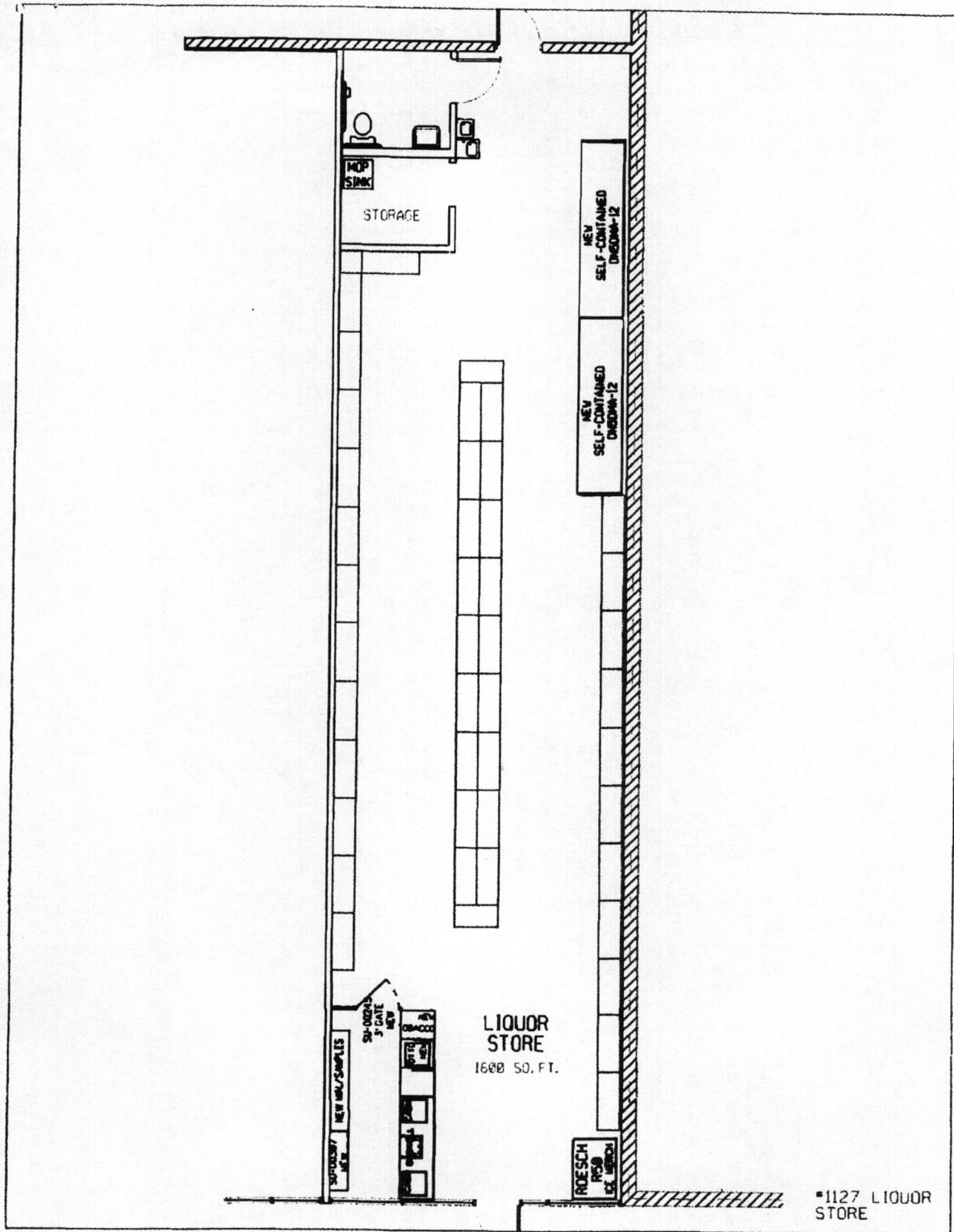
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Space 3 Lake Mary Collection Shopping Center

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 22, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

PT OF LOT 1 DESC AS BEG NE COR RUN S 46.95 FT E 28 FT S 324 FT E 20 FT S 96.7 FT W 8.23 FT S 216.39 FT W 10 FT S 90 FT W 31 FT S 92.69 FT W 137.86 FT N 53 DEG 57 MIN 05 SEC W 81.19 FT W 62.69 FT N 362.08 FT E 26.24 FT N 76 FT E 32 FT N 323.70 FT W 53.96 FT N 56.95 FT E 250 FT TO BEG GREENWOOD AT LAKE MARY PB 45 PGS 67

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: LMC VENTURE LLC
C/O EXPENSE PAYABLE LEASE TEAM
PO BOX 32025
LAKELAND FL 33802

Project Name: Lake Mary Blvd (4185)

Requested Special Exception:

Special exception for a packaged liquor store in PUD (Planned Unit Development) district.

Approval was sought to open a package liquor store. The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning & Development Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: