

This Instrument Prepared By:  
Ann Mullins, Land Rights Coordinator  
Real Estate Division  
Gainesville Regional Utilities  
P.O. Box 147117, Sta. A130  
Gainesville, FL 32614-7117

A Portion of Tax Parcel No: 12562-000-000  
Section 4, Township 10 South, Range 20 East

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**EASEMENT**

THIS EASEMENT, made this 7 day of September, 2016, by PHALANX DEFENSE SYSTEMS, LLC, a Florida limited liability company, whose mailing address is 4352 NE 40<sup>th</sup> Terrace, Gainesville, FL 32609, GRANTOR, and CITY OF GAINESVILLE, Florida, d/b/a Gainesville Regional Utilities (GRU), a municipal corporation, whose post office address is P.O. Box 147117, Sta. A130, Gainesville, Florida 32614-7117, GRANTEE,

**WITNESSETH:**

That the said GRANTOR, for and in consideration of the sum of One (\$1.00) Dollar, and other good and valuable consideration, to it in hand paid by GRANTEE, receipt of which is hereby acknowledged, has given and granted, and by these presents does give and grant unto the GRANTEE, its successors and assigns, a perpetual easement for the purpose of **ingress egress and constructing, operating and maintaining municipal public utility facilities** including by example, electric, water, sanitary sewer, natural gas, reclaimed water and telecommunications utility facilities and related appurtenances over, under, upon and through the following described property in Alachua County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The rights herein granted to GRANTEE by GRANTOR specifically include: (a) the right to construct, locate, operate, inspect, patrol, alter, improve, repair, rebuild, relocate, and remove said facilities; (b) the right of ingress and egress to and from the Easement Area at all times; (c) the right to upgrade the quantity and type of facilities; (d) the right to clear the Easement area and keep it cleared of trees, limbs, undergrowth and other obstructions which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (e) the right to trim and cut and keep trimmed and cut any trees and undergrowth on GRANTOR's land adjacent to but outside the Easement Area which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; and (f) all other rights and privileges reasonably necessary for GRANTEE's safe and efficient installation, operation and maintenance of said facilities.

GRANTOR hereby covenants and agrees that, except as expressly provided herein, no buildings, structures or obstacles shall be located, constructed, excavated or created within the Easement Area. All openings and excavations created by GRANTEE for the purpose of examining, repairing, replacing, altering or extending the facilities will be properly filled by GRANTEE, the surface restored, and the Easement area left in good and safe condition. Moveable fences are permitted on the Easement area, provided they are placed so as to allow ready access to GRANTEE's facilities and provide a working space of not less than six feet (6') from fire hydrants, manhole centers, and ten feet (10') from the opening side of any pad mounted transformer; three feet (3') from water meters, valve box centers, and four feet (4') from the other three sides of any pad mounted transformer and further provided that GRANTOR assumes all risk of loss for any moveable object placed in the easement area. Fire hydrants must be accessible from the roadway or closest paved surface.

GRANTOR agrees not to call upon GRANTEE to relocate its facilities, unless it is determined jointly by GRANTOR and GRANTEE that such relocation is necessary for the future orderly development of the premises and such development is in physical conflict with GRANTEE's facilities. In such event, said facilities will be relocated to another mutually agreed upon Easement Area within

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GRANTOR's premises, provided that GRANTOR executes and delivers to GRANTEE, at no cost to the GRANTEE, an acceptable and recordable easement to cover the relocated facilities. The cost of such relocation will be borne solely by GRANTOR unless otherwise agreed in writing by GRANTEE.

GRANTEE shall have quiet and peaceful possession, use and enjoyment of this easement. GRANTOR shall not utilize or permit to be utilized the Easement area in any way which will interfere with GRANTEE's facilities and the safe operation and maintenance thereof.

GRANTOR hereby warrants and covenants that GRANTOR is the owner of the fee simple title to the premises in which the above described Easement Area is located and has full right and lawful authority to grant and convey this easement.

TO HAVE AND TO HOLD the same unto the said GRANTEE, its successors and assigns, forever.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed under seal on the day and year aforesaid.

Signed, sealed and delivered  
in our presence as witnesses:

PHALANX DEFENSE SYSTEMS, LLC,  
a Florida limited liability company

Witness Signature \_\_\_\_\_  
Print Name: Kimberly Bosshardt

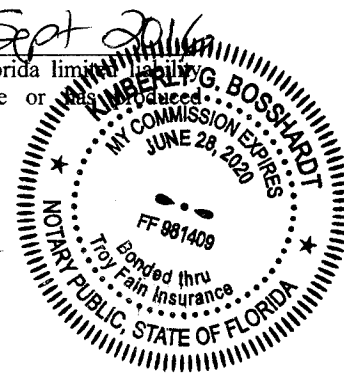
Witness Signature \_\_\_\_\_  
Print Name: Bruce Brashear

By: \_\_\_\_\_  
James G. Coats  
Manager

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 7 day of Sept 2016, by James G. Coats, Manager of Phalanx Defense Systems, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or was produced to me as identification.

Signature of Notary \_\_\_\_\_  
Print Name: Kimberly Bosshardt  
Notary Public, State of Florida  
My Commission Expires:



Approved as to Form and Legality:

By: Shayla L. McNeill  
Shayla L. McNeill  
Utilities Attorney  
City of Gainesville, Florida  
9/8/16

**EXHIBIT "A"****LEGAL DESCRIPTIONS OF TAX PARCEL #12562-000-000 AND LOT SPLIT PARCELS "A" & "B" (FOR REFERENCE ONLY –LEGAL DESCRIPTIONS ON THIS PAGE DO NOT DESCRIBE EASEMENTS):****PARENT PARCEL DESCRIPTION (DEED BOOK 279, PAGE 367):**

COMMENCE AT THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST, AND RUN WEST 1859.1 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE RUN SOUTH A DISTANCE OF 660 FEET TO A POINT; THENCE RUN EAST PARALLEL TO THE SECTION LINE A DISTANCE OF 449.9 FEET TO A POINT; THENCE RUN NORTH 660 FEET TO A POINT ON THE NORTH LINE OF SECTION 4; THENCE RUN WEST ON SECTION LINE, A DISTANCE OF 449.5 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION: ALL LYING AND BEING IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST AND CONTAINING 6.81 ACRES MORE OR LESS.

**PARENT PARCEL DESCRIPTION (THIS SURVEYOR):**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.", BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8TH AVENUE AND THE POINT OF BEGINNING; THENCE LEAVING SAID SECTION AND SOUTH RIGHT-OF-WAY LINE S 00°36'53" E A DISTANCE OF 659.85 FEET TO A CONCRETE MONUMENT WITH NO ID; THENCE S 89°13'32" W A DISTANCE OF 449.81 FEET TO A NAIL AND DISC STAMPED "PCP 3456" ON THE EAST RIGHT-OF-WAY LINE OF NE 11TH STREET; THENCE N 00°36'53" W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 660.07 FEET TO A NAIL AND DISC STAMPED ""PSM 5368" ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8TH AVENUE AND THE NORTH LINE OF SAID SECTION 8; THENCE N 89°15'13" E ALONG SAID RIGHT-OF-WAY AND SECTION LINE A DISTANCE OF 449.81 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 296,858 SQUARE FEET (6.81 ACRES), MORE OR LESS.

**PARCEL "A" DESCRIPTION (THIS SURVEYOR):**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.", BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8TH AVENUE AND THE POINT OF BEGINNING; THENCE LEAVING SAID SECTION LINE AND SOUTH RIGHT-OF-WAY LINE S 00°36'53" E A DISTANCE OF 310.33 FEET; THENCE S 89°15'13" W PARALLEL TO THE NORTH LINE OF SAID SECTION 4 AND SOUTH RIGHT-OF-WAY LINE OF NE 8TH AVENUE A DISTANCE OF 449.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NE 11TH STREET; THENCE N 00°36'53" W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 310.33 FEET TO A NAIL AND DISC STAMPED ""PSM 5368" ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8TH AVENUE AND THE NORTH LINE OF SAID SECTION 8; THENCE N 89°15'13" E ALONG SAID RIGHT-OF-WAY AND SECTION LINE A DISTANCE OF 449.81 FET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 139,591 SQUARE FEET (3.20 ACRES), MORE OR LESS.

**PARCEL "B" DESCRIPTION (THIS SURVEYOR):**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.", BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE; THENCE LEAVING SAID SECTION AND SOUTH RIGHT-OF-WAY LINE S 00°36'53" E A DISTANCE OF 310.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°36'53" E A DISTANCE OF 349.52 FEET TO A CONCRETE MONUMENT WITH NO ID; THENCE S 89°13'32" W A DISTANCE OF 449.81 FEET TO A NAIL AND DISC STAMPED "PCP 3456" ON THE EAST RIGHT-OF-WAY LINE OF NE 11<sup>TH</sup> STREET; THENCE N 00°36'53" W ALONG SAID EAST RIGHT- OF-WAY LINE A DISTANCE OF 349.74 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE N 89°15'13" E PARALLEL TO THE NORTH LINE OF SAID SECTION 4 AND SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE A DISTANCE OF 449.81 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 157,267 SQUARE FEET (3.61 ACRES), MORE OR LESS.

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**EXHIBIT "A" CONTINUED**

**LEGAL DESCRIPTIONS OF PUBLIC UTILITY AND INGRESS/EGRESS EASEMENTS LOCATED ON  
PARCEL "A" OF TAX PARCEL #12562-000-000 DESCRIBED IN DEED BOOK 279, PAGE 367:**

**PUBLIC UTILITY AND INGRESS/EGRESS EASEMENT:**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.," BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE; THENCE CONTINUE S 89°15'13" W ALONG SAID NORTH SECTION LINE AND SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID SECTION LINE AND SOUTH RIGHT-OF-WAY LINE S 00°36'53" E A DISTANCE OF 175.06 FEET; THENCE N 89°23'07" E A DISTANCE OF 25.00 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN DEED BOOK 279, PAGE 367; THENCE S 00°36'53" E ALONG SAID EAST LINE A DISTANCE OF 25.00 FEET; THENCE LEAVING AND PERPENDICULAR TO SAID LINE S 89°23'07" W A DISTANCE OF 25.00 FEET; THENCE PARALLEL TO SAID LINE S 00°36'53" E A DISTANCE OF 110.28 FEET; THENCE PARALLEL TO AFOREMENTIONED NORTH LINE OF SAID SECTION 4 AND SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE S 89°15'13" W A DISTANCE OF 25.00 FEET; THENCE N 00°36'53" W A DISTANCE OF 110.33 FEET; THENCE S 89°23'07" W A DISTANCE OF 68.00 FEET; THENCE N 00°36'53" W A DISTANCE OF 25.00 FEET; THENCE N 89°23'07" E A DISTANCE OF 68.00 FEET; THENCE N 00°36'53" W A DISTANCE OF 175.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION AND SOUTH RIGHT-OF-WAY LINE OF SAID NE 8<sup>TH</sup> AVENUE; THENCE N 89°15'13" E ALONG SAID SECTION AND RIGHT-OF-WAY LINE A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 10,083 SQUARE FEET (0.231 ACRES), MORE OR LESS.

**PUBLIC UTILITY EASEMENT NUMBER 1:**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.," BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE; THENCE CONTINUE S 89°15'13" W ALONG SAID NORTH SECTION LINE AND SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 98.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING AND PERPENDICULAR TO SAID SECTION LINE AND SOUTH RIGHT-OF-WAY LINE S 00°44'47" E A DISTANCE OF 43.00 FEET; THENCE S 89°15'13" W PARALLEL TO THE NORTH LINE OF SAID SECTION 4 AND SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE A DISTANCE OF 32.00 FEET; THENCE N 00°44'47" W A DISTANCE OF 43.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION AND SOUTH RIGHT-OF-WAY LINE OF SAID NE 8<sup>TH</sup> AVENUE; THENCE N 89°15'13" E ALONG SAID SECTION AND RIGHT-OF-WAY LINE A DISTANCE OF 32.00 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 1,376 SQUARE FEET (0.032 ACRES), MORE OR LESS.

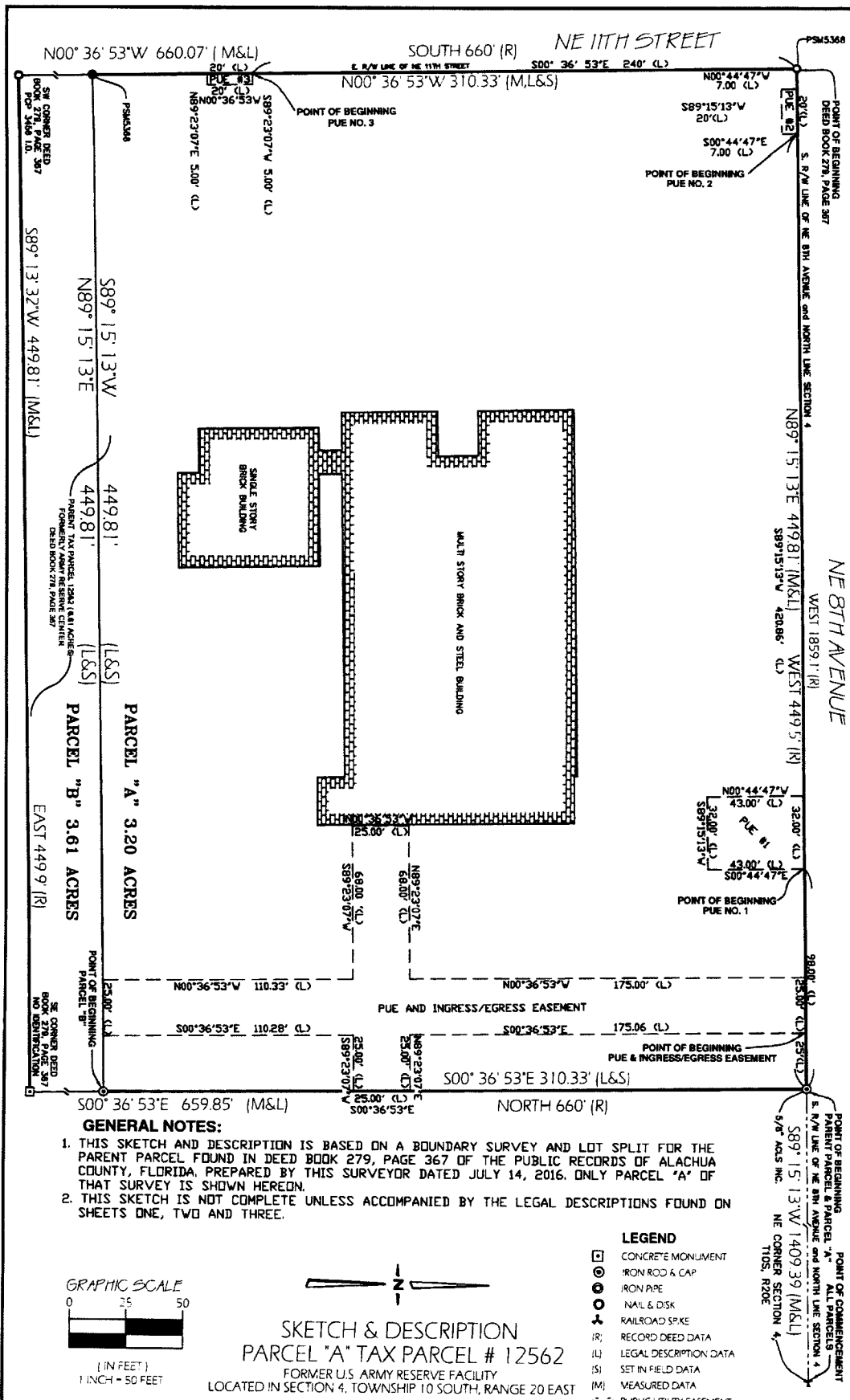
**EXHIBIT "A" CONTINUED****LEGAL DESCRIPTIONS OF PUBLIC UTILITY AND INGRESS/EGRESS EASEMENTS LOCATED  
ON PARCEL "A" OF TAX PARCEL #12562-000-000 DESCRIBED IN DEED BOOK 279, PAGE 367  
CONTINUED:****PUBLIC UTILITY EASEMENT NUMBER 2:**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.", BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE; THENCE CONTINUE S 89°15'13" W ALONG SAID NORTH SECTION LINE AND SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 420.86 FEET TO THE POINT OF BEGINNING; THENCE LEAVING AND PERPENDICULAR TO SAID SECTION LINE AND SOUTH RIGHT-OF-WAY LINE S 00°44'47" E A DISTANCE OF 7.00 FEET; THENCE S 89°15'13" W PARALLEL TO THE NORTH LINE OF SAID SECTION 4 AND SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE A DISTANCE OF 20.00 FEET; THENCE N 00°44'47" W A DISTANCE OF 7.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION AND SOUTH RIGHT-OF-WAY LINE OF SAID NE 8<sup>TH</sup> AVENUE; THENCE N 89°15'13"E ALONG SAID SECTION AND RIGHT-OF-WAY LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 140 SQUARE FEET (0.003 ACRES), MORE OR LESS.

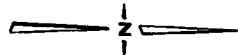
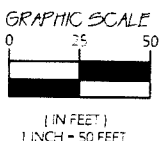
**PUBLIC UTILITY EASEMENT NUMBER 3:**

COMMENCE AT A RAILROAD SPIKE FOUND AND ACCEPTED AS MARKING THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE S 89°15'13" W ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1409.39 FEET TO A 5/8" IRON ROD AND CAP STAMPED "ACLS INC.", BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NE 8<sup>TH</sup> AVENUE; THENCE CONTINUE S 89°15'13" W ALONG SAID NORTH SECTION LINE AND SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 449.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NE 11<sup>TH</sup> STREET; THENCE S 00°36'53" E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°36'53" E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 89°23'07" E A DISTANCE OF 5.00 FEET; THENCE N 00°36'53" W PARALLEL TO SAID RIGHT-OF-WAY LINE A DISTANCE OF 20.00 FEET; THENCE S 89°23'07" W A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND CONTAINING 100 SQUARE FEET (0.002 ACRES), MORE OR LESS.

**EXHIBIT "A" CONTINUED**  
**SKETCH OF PUBLIC UTILITY AND INGRESS/EGRESS EASEMENT LOCATIONS**



- GENERAL NOTES:**
1. THIS SKETCH AND DESCRIPTION IS BASED ON A BOUNDARY SURVEY AND LOT SPLIT FOR THE PARENT PARCEL FOUND IN DEED BOOK 279, PAGE 367 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, PREPARED BY THIS SURVEYOR DATED JULY 14, 2016. ONLY PARCEL "A" OF THAT SURVEY IS SHOWN HEREON.
  2. THIS SKETCH IS NOT COMPLETE UNLESS ACCOMPANIED BY THE LEGAL DESCRIPTIONS FOUND ON SHEETS ONE, TWO AND THREE.



**SKETCH & DESCRIPTION**  
**PARCEL "A" TAX PARCEL # 12562**  
FORMER U.S. ARMY RESERVE FACILITY  
LOCATED IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST

- LEGEND**
- ☐ CONCRETE MONUMENT
  - ⊙ IRON ROD & CAP
  - ⊙ IRON PIPE
  - ⊙ NAIL & DISK
  - ⊙ RAILROAD SPIKE
  - (R) RECORD DEED DATA
  - (L) LEGAL DESCRIPTION DATA
  - (S) SET IN FIELD DATA
  - (M) MEASURED DATA
  - (E) PUBLIC UTILITY EASEMENT

CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT  
ENGINEERING SUPPORT SERVICES  
405 NW 39TH AVENUE P.O. BOX 490 GAINESVILLE, FL 32627  
CITY/EF (352) 393 8174

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.		DATE	CHECKED BY
PATRICK R. DURBIN, REGISTERED LAND SURVEYOR FLORIDA CERTIFICATION NUMBER 5368	DATE	7/28/2016	8/1/2016
SHEET 4		FILE # 100607D	