

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

-
- A. PURPOSE — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

-
- B. PROJECT MEASURES COVERED —

Name of project Lenox Place

Identity of improvement or development Erosion control to protect road and debris
removal from waterways

Location Intersection of NW 8 Ave and NW 43 Street; Gainesville, FL

-
- C. REAL PROPERTY ACQUISITION ASSURANCE —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

-
- D. ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

CENOX MASTER ASSOCIATION
(Name of Sponsor)

By: Cynthia M. Stehouer

Title: PRESIDENT

Date: 2/9/05

This action authorized at an official meeting City of Gainesville

Commission Meeting on 13th

day of December, 2004,

at City Hall, Gainesville

State of Florida

Attest: [Signature]
(Name)

Clerk of the Commission
(Title)

(Name of Sponsor)

By: _____

Title: _____

Date: _____

This action authorized at an official meeting _____

_____ on _____

day of _____, 20____,

at _____

State of _____

Attest: _____
(Name)

(Title)

LAW OFFICE

CARPENTER & ROSCOW, P.A.

5608 NW 43rd Street
Gainesville, Florida 32653-8334

TELEPHONE

(352) 373-7788

FACSIMILE

(352) 373-1114

RONALD A. CARPENTER
rcarpenter@raclaw.net

February 8, 2005

JOHN F. ROSCOW, IV
roscow@raclaw.net

Marion Radson, City Attorney
City Hall - 4th Floor
Gainesville, Florida 32601

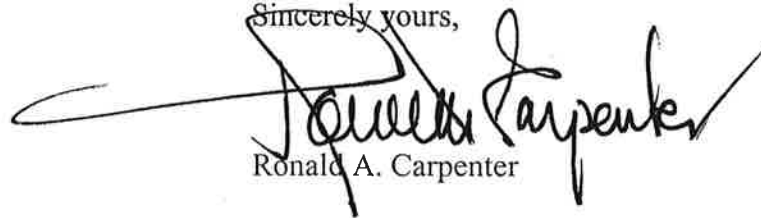
Re: Lenox Place

Dear Mr. Radson:

Pursuant to Lenox Place, please be advised that record title to the roads, bridges and other common areas, which are the subject hereof and more particularly described in Plat Book M Page 92 and Exhibit "A" attached hereto, is vested in Lenox Master Association, Inc., a Florida non-profit corporation, who has clear title.

Should you need anything further from my office please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ronald A. Carpenter". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Ronald A. Carpenter

RAC/bw
Enclosure

EXHIBIT A

Lot 37 of Lenox Place, a Planned Unit Development, as recorded in Plat Book "M", Page 92, of the Public Records of Alachua County, Florida, together with the portion of Lot 36 of said Lenox Place more particularly described as Parcel 36G in the legal description attached hereto and by this reference made a part hereof.

And

Lot Thirty-Six (36) of LENOX PLACE, a Planned Unit Development, as per plat thereof, as recorded in Plat Book "M", page 92 of the public records of Alachua County, Florida, LESS AND EXCEPT those certain parcels of land (units within Townhomes at Lenox) being more particularly described within the following Official Records Books and Pages of the public records of Alachua County, Florida: O.R. Book 1888, page 2980; O.R. Book 1886, page 0850; O.R. Book 1874, page 0375; O.R. Book 1816, page 2901; O.R. Book 1846, page 1503; O.R. Book 1797, page 0480; O.R. Book 1734, page 0501; O.R. Book 1752, page 2751; O.R. Book 1803, page 0519; O.R. Book 1717, page 0708; O.R. Book 1979, page 1736; O.R. Book 1809, page 2565; O.R. Book 1713, page 0602; O.R. Book 1709, page 2848; O.R. Book 1802, page 0851; O.R. Book 1713, page 2428; O.R. Book 1902, page 1471; O.R. Book 1711, page 0663; O.R. Book 1688, page 1477; O.R. Book 1851, page 2501; O.R. Book 1913, page 0842; O.R. Book 1658, page 2467; O.R. Book 1678, page 2147; O.R. Book 1922, page 1873; O.R. Book 1742, page 2426; O.R. Book 1956, page 0826; O.R. Book 1744, page 1635; O.R. Book 1975, page 0356; O.R. Book 1905, page 2504; O.R. Book 1799, page 1865; O.R. Book 1970, page 1605; O.R. Book 1733, page 0738; O.R. Book 1688, page 1148; O.R. Book 1744, page 1645; and O.R. Book 1842, page 2962.



City of Gainesville

Text File

City Hall
200 East University Avenue
Gainesville, Florida 32601

Introduced: 12/13/2004

File Number: 040784

Version: 0

Status: Passed

..Title

Emergency Watershed Protection Program (B)

..Explanation

A tributary to the Hogtown Creek flows through the Lenox Place subdivision located at the northeast corner of NW 8 Avenue and NW 43 Street. Severe erosion of the creek crossing was suffered within Lenox Place during Hurricane Frances. This material eroded into the creek causing obstruction of the creek flows and causing further damage to the structure and threatening upstream flooding. In addition, there are many downed trees in and across the creek that have the potential of creating increased flooding, not only within Lenox Place, but upstream areas as well. The roadways within Lenox Place are privately owned and maintained, and therefore do not fall under the City of Gainesville's maintenance program; however, they are a part of the Stormwater Management Utility program.

Consultants for Lenox Place identified a grant program under the United States Department of Agriculture Natural Resources Conservation Service (NRCS) that will provide \$122,500 towards the repair of the road bank and tree removal. The NRCS requires a local government sponsor to apply for this funding. The sponsor is required to provide 25% of the cost of construction and in-kind contribution of project design drawings and inspection services. Lenox Place has agreed to provide the 25% cash contribution and the in-kind contribution of design drawings and inspection services in return for the City of Gainesville sponsorship of the project.

..Fiscal Note

No fiscal impact.

..Recommendation

The City Commission authorize the Interim City Manager to execute all associated documents for the Emergency Watershed Protection Program for the Lenox Place Subdivision.