

041017

**LIMITED LICENSE AND RIGHT OF ENTRY**

The undersigned, Barbara Lipscomb, Interim City Manager of the City of Gainesville, whose address is P.O. Box 490, Gainesville, Florida 32602 (hereinafter the "OWNER"), being the lawful record title holder of the property described as follows: See Exhibit "A" attached hereto and made a part hereof as if set forth in full, in the City of Gainesville, Alachua County, Florida (hereinafter the "PROPERTY") and CPH Engineers, Inc., a Florida Corporation, whose address is 500 West Fulton Street, Sanford, Florida 32771, do hereby agree as follows:

1. That during the term hereof, CPH Engineers, Inc. (hereinafter "CPH") and their respective agents and/or subcontractors, shall have the right to enter upon the PROPERTY, to conduct, at no cost and/or expense to OWNER, the work described in Exhibit "A" attached hereto. The tests would be conducted in grassed areas only and returned to their pre-test condition. The granting of these rights do not obligate the City further than permitting the activities set forth herein.
2. CPH agrees to restore the existing conditions of the PROPERTY at completion of any required work.
3. CPH shall provide OWNER with at least twenty-four (24) hours advance notice to Stu Pearson, Interim Public Works Director of the City, at 334-5070 of its intention to enter upon the PROPERTY for the purposes stated hereunder.
4. CPH shall indemnify and hold OWNER harmless from and against any and all claims and liens arising out of any act or failure to act of CPH or its respective agents and/or subcontractors, as a result of their activities on the PROPERTY.
5. All activities on the PROPERTY shall be performed and completed no later than May 15, 2005.

**OWNER:** City of Gainesville, Florida

**AGREED TO & ACCEPTED BY:**  
CPH Engineers, Inc.

By: \_\_\_\_\_  
Barbara Lipscomb  
Interim City Manager  
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_

**Wal-Mart Store No. 538-04 Gainesville (Northwest)  
City of Gainesville, FL  
CPH Project W13425**

**TESTS TO BE PERFORMED ON CITY PROPERTY**

The following tests are required for engineering design:

- 1) **Geotechnical investigation - consisting of approximately 88 soil borings throughout the site to collect soil samples for determination of on-site soil characteristics that are necessary for engineering design. The borings will be approximately located as follows:  $\pm 16$  under proposed building,  $\pm 35$  on proposed retention areas and  $\pm 37$  on proposed parking areas (in a grid pattern at a maximum spacing of 100-ft). Any hole created by the borings will be filled per standard geo-technical engineering practices.**
- 2) **Delineation of wet fields by Ecological consultant.**
- 3) **Soil testing for radon gas by Environmental consultant. Approximately 10 soil samples will be collected under the proposed building area.**
- 4) **Additional topographic and boundary surveying if deemed necessary.**
- 5) **Asbestos testing and lead based paint surveys for the two structures on site: restroom and racquet ball court.**