



INTER-OFFICE COMMUNICATION
REAL ESTATE DIVISION

DATE: December 4, 2001
TO: Sharon Williams
Box 18
FROM: Monica Williams, Staff Assistant II
RE: Perpetual Transportation Easement

I have enclosed the executed and recorded Perpetual Transportation Easement from the City of Gainesville to the State of Florida, Department of Transportation. The granting of this easement was approved by the City Commission on May 14, 2001. I have also attached the General Manager's Consent Agenda for your reference. Please file in the permanent city records. Thank you.

Attachment – Perpetual Transportation Easement
General Manager's Consent Agenda

DEC -6 AM 11:01

OFFICE OF GAINESVILLE
CITY COMMISSION



INTER-OFFICE COMMUNICATION
REAL ESTATE DIVISION

TO: Honorable Mayor and Members of the City Commission DATE: May 14, 2001

FROM: Michael L. Kurtz, General Manager

**APPROVED BY
CITY COMMISSION**

SUBJECT: Perpetual Transportation Easement to State of Florida, Department of Transportation ON 5/14 20 01


Recommendation:

The City Commission: 1) approve the granting of a Perpetual Transportation Easement to the State of Florida, Department of Transportation located on City of Gainesville lift station right-of-way in the 9800 block of NW 39th Avenue; and 2) authorize the Mayor and Clerk of the Commission to execute the easement document, subject to the approval by the City Attorney as to form and legality.

Explanation:

The Florida Department of Transportation (FDOT) is currently working on the reconstruction of a portion of NW 39th Avenue. During the planning process for this project, FDOT identified a 20' X 50' strip of City of Gainesville land they will need to construct fill slopes on to accomplish the construction. The strip is located on Lift Station #53 property in the 9800 block of NW 39th Avenue west of I-75.

Staff has reviewed and approved FDOT's construction plans for this project and determined that thirty linear feet of 8" epoxy line ductal iron pipe gravity sewer main, one 4' diameter sanitary sewer manhole, and one 8' diameter sanitary sewer manhole exist within the 20' X 50' strip. Since there are existing utilities located on the property, staff has recommended the granting of a perpetual transportation easement to FDOT for this project. The City will retain fee simple title to the lift station property.

An indemnification clause has been incorporated into the easement document protecting and defending the City of Gainesville from all claims or expenses arising from or relating to FDOT's utilization of the easement area for transportation purposes. If any relocation of the existing sanitary sewer facilities are necessary as a result of fill placement, said relocation shall be at FDOT's expense. Furthermore, any future utility relocations requested by FDOT shall be paid for by the State.

Prepared by: 
Patricia A. Moore
Utilities Administrative Services Director

Submitted by: 
Michael L. Kurtz, General Manager

MLK:PAM:AMM

Date: April 18, 2001

This instrument prepared by
or under the direction of:
Kenneth S. Davis
District General Counsel
Florida Department of Transportation
Post Office Box 1089
Lake City, Florida 32056-1089

PARCEL NO. 803.1
SECTION 26260-2442
F.P. NO. 2129341
COUNTY ROAD 222
COUNTY OF Alachua

PERPETUAL TRANSPORTATION EASEMENT

THIS EASEMENT, made this 17th day of MAY, 2001,
by CITY OF GAINESVILLE, FLORIDA, a municipal corporation, whose
post office address is P.O. Box 490, Gainesville, Florida 32602,
GRANTOR, to STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION,
whose post office address is P.O. Box 1089, Lake City, Florida
32056-1089, GRANTEE.

W I T N E S S E T H:

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 transportation purposes 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.

This easement is subject to the following conditions:

1. Grantee by acceptance and recording of this easement hereby agrees that the utilization of this easement area for transportation purposes shall not be inconsistent with the safe and efficient operation and maintenance of the City of Gainesville's existing public utility facilities located thereon, or any future public utility facilities that may be situated thereon. Subject also to all above-ground facilities being located outside of roadside recovery areas as specified in the State of Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.
2. Grantee shall, subject to the limits and provisions of Section 768.28, Florida Statutes, protect, defend, hold harmless and indemnify the City of Gainesville, its elected and appointed officers, employees, officials or agents from all claims and suits for damage to property and injury to persons, including death, and all judgments, court costs, attorney's fees and other expenses arising in any manner out of or relating to the existence, operation and maintenance by the State of a public easement for transportation purposes.

3. The City may at the State's, or their successors or assigns, request relocate utilities facilities within the area conveyed but the expenses of any such relocations shall be paid for by the State.

GRANTOR hereby warrants and covenants (a) that GRANTOR is the owner of the fee simple title to the premises in which the above described Easement Area is located, (b) that GRANTOR has full right and lawful authority to grant and convey this easement to GRANTEE, and © that GRANTEE shall have quiet and peaceful possession, use and enjoyment of 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 the presence of:

CITY OF GAINESVILLE, FLORIDA

Sharon D. Williams
Witness:

Print Name: Sharon D. Williams

Deborah L. Harris
Witness:

Print Name: DEBORAH L. HARRIS

BY: Paula M. Delaney
Print Name: Paula M. Delaney
Mayor

ATTEST:
Harv L. Lamm
Print Name: Harv Lamm
Clerk of the Commission

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 17th day of May, 2001, by Paula M. Delaney, the Mayor and Clerk of the Commission, respectively, of the City of Gainesville, Florida, a municipal corporation, who are personally known to me and duly sworn, acknowledged that as such officers, and pursuant to authority from said corporation, they executed the foregoing instrument and affixed the corporate seal all for and on behalf of said corporation, as its act and deed, and for the uses and purposes set forth and contained in said instrument.

Sharon D. Williams
Print Name: Sharon D. Williams
Notary Public, State of Florida
Commission No. and Expiration:



Approved as to Form and Legality

BY: Raymond O. Manasco, Jr.
Raymond O. Manasco, Jr.
Utilities Attorney
City of Gainesville, Florida

APPROVED AS TO FORM

[Signature]
Florida Department of
Transportation Attorney

EXHIBIT "A"

A parcel of land in Section 19, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 19, Township 9 South, Range 19 East, Alachua County, Florida; thence run North 00°38'55" West, along the West line of said Section 19, a distance of 50.00 feet to the Northerly right of way line of County Road No. 222 (N.W. 39th Avenue); thence North 89°54'54" East, along said Northerly right of way line, a distance of 0.23 feet; thence North 89°19'30" East, along said Northerly right of way line, a distance of 651.19 feet to the POINT OF BEGINNING; thence North 00°40'30" West, a distance of 20.00 feet; thence North 89°19'30" East, a distance of 50.00 feet; thence South 00°40'30" East, a distance of 20.00 feet to said Northerly right of way line; thence South 89°19'30" West, along said Northerly right of way line, a distance of 50.00 feet to the POINT OF BEGINNING.

Containing 1,000 square feet, more or less.