

This Instrument Prepared By:  
Ann M. Mullins, Right-of-Way Agent  
Real Estate Division  
Gainesville Regional Utilities  
P.O. Box 147117, Sta. A130  
Gainesville, FL 32614-7117

File #980803

NW 53 Avenue Transmission Right-of-Way at  
intersection of NW 34 Street (SR 121)  
Section 13, Township 9 South, Range 19 East

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*PERPETUAL TRANSPORTATION EASEMENT*

THIS EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 1998, by CITY OF GAINESVILLE, Florida, a municipal corporation, whose post office address is P.O. Box 490, Gainesville, Florida 32602, GRANTOR, to ALACHUA COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 1188, Gainesville, Florida 32602, 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 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 County of a public easement for transportation purposes. Grantee shall execute a separate indemnification agreement to comply with this condition.

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 (c) 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

\_\_\_\_\_  
Print Name: \_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Paula M. DeLaney  
Mayor

ATTEST: \_\_\_\_\_

Kurt M. Lannon  
Clerk of the Commission

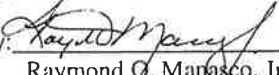
STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 1998, by Paula M. Delaney and Kurt M. Lannon, 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.

\_\_\_\_\_  
Print Name:  
Notary Public, State of Florida  
Commission No. and Expiration:

Approved as to Form and Legality

APPROVED AS TO FORM

By:   
Raymond G. Manasco, Jr.  
Utilities Attorney  
City of Gainesville, Florida

\_\_\_\_\_  
Alachua County Attorney

EXHIBIT "A"

Legal Description:

That part of the Southeast 1/4 of Section 13, Township 9 South, Range 19 East, Alachua County, Florida, and being more particularly described as follows:

Commence at an intersection of the southeasterly right of way line of NW 34 Street (State Road No. 121, a 110.0 foot right of way) with the northerly right of way line of NW 53 Avenue (a 100.0 foot right of way), said NW 53 Avenue right of way was established as an easement to Alachua County from the City of Gainesville, per deed as recorded in Official Record Book 1276, page 838 of the public records of said Alachua County for the **Point of Beginning**;

thence North 62 deg. 00 min. 43 sec. East, along the said southeasterly right of way line, a distance of 93.0 feet; thence South 27 deg. 59 min. 17 sec. East, perpendicular to the aforementioned right of way line, a distance of 47.67 feet to an intersection with the said northerly right of way line; thence South 89 deg. 08 min. 54 sec. West, along the said northerly right of way line (said line is also parallel to and 100.0 feet northerly of the south line of said Section 13), a distance of 104.50 feet to the said **Point of Beginning** (a.k.a. an intersection of the said southeasterly right of way line of NW 34 Street with the said northerly right of way line of NW 53 Avenue)

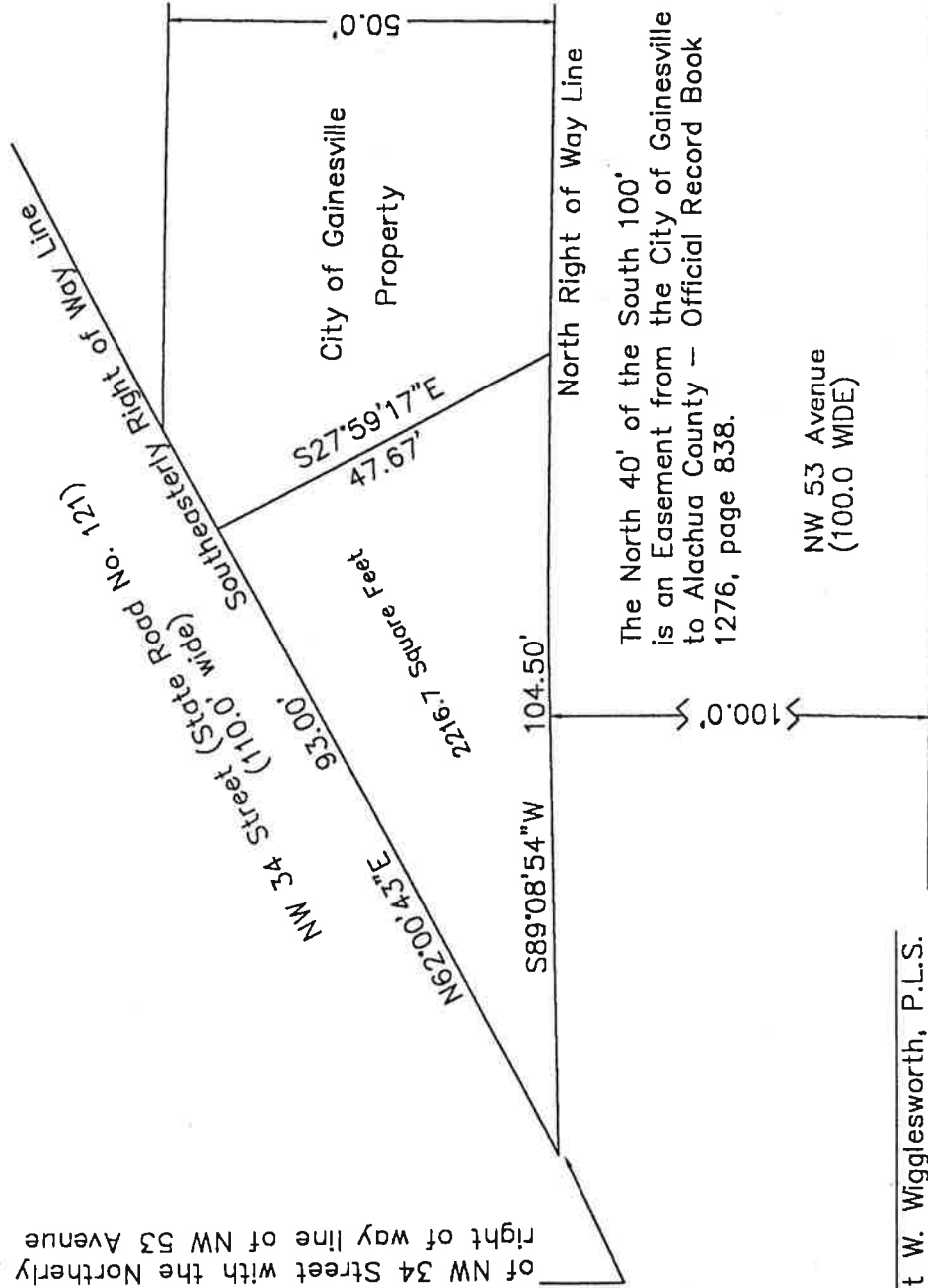
Containing approximately 2216.7 Square Feet.

**Bearing Note:** The bearings as shown hereon have been based upon a bearing of North 87 deg. 59 min. 09 sec. East between Traverse Point No. 733 and Azimuth Primary Station A113 of the Alachua County Densification Survey, as per a Eng, Denman and Associates, Inc. Survey, dated May 21, 1997, Project No. 97-204 for Alachua County Public Works Department.

This Is Not A Survey

Description Sketch—In the SE 1/4 of Section 13, Township 9 South, Range 19 East, Alachua County, Florida

The Point of Beginning—the intersection of the Southeastly right of way line of NW 34 Street with the Northerly right of way line of NW 53 Avenue



Scale 1"=20'

Note: The bearings as shown hereon have been based upon a bearing of N87°59'09"E between Traverse Point No. 733 & Azimuth Station A113 of the Alachua County Densification Survey, as per an Eng. Denman & Associates, Inc. survey, dated May 21, 1997, Project No 97-204 per Alachua County Public Works Department.

Description Sketch prepared by the Alachua County Public Works Department  
 P.O. Box 1188  
 Gainesville, Florida 32602-1188  
 904-462-0055

Robert W. Wigglesworth, P.L.S.  
 Fl. Registration No. 2115  
 January 30, 1998  
 Revised: September 23, 1998