

170460

This Instrument Prepared By:
Tiffany A. Davis, 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. 4418-000-000
Section 2 & 11, Township 10 South, Range 18 East
GRU File No. U-RW-2-17

PERPETUAL TRANSPORTATION EASEMENT

THIS EASEMENT, made this _____ day of _____, 2017, 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:

AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This easement is subject to the following terms and conditions:

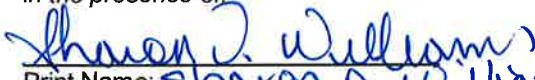
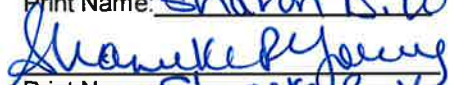
1. Grantee by execution, acceptance and recording of this easement hereby agrees that the utilization of this easement area for transportation purposes shall not be inconsistent with the safe and efficient operation and maintenance of the State of Florida Manual of Uniform Minimum Standards for Design, 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 exercise of the easement rights hereby granted for the operation and maintenance by the County of a public easement for transportation purposes.
3. Grantor reserves the right to locate utility facilities over, under, and along said easement area with the right to maintain, enlarge, and extend the same without the payment of any fees (including, but not limited to permit inspection fees) or charges to Grantee.
4. GRANTEE shall not construct or install any buildings, structures or obstacles within the easement area other than the roadway and public utilities. Any associated lighting will require the express prior consent of GRANTOR.

5. GRANTEE shall not plant any trees within the easement area and shall be solely responsible for perpetual maintenance of access roadway and any other landscaping, facilities, appurtenances granted under this easement. Vegetation shall not exceed eight (8) feet in height.
6. Subject to any and all permits, easements and restrictions of record, if any.


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


IN WITNESS WHEREOF, the GRANTOR and GRANTEE have caused this instrument to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:


Print Name: Sharon S. Williams

Print Name: Shaneka R. Young

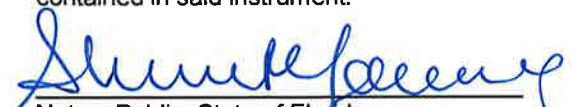
CITY OF GAINESVILLE, FLORIDA, a municipal
corporation

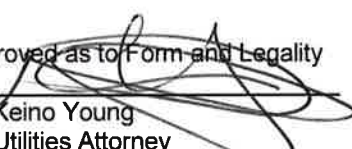
BY: 
Lauren Poe
Mayor

ATTEST: 
Kurt M. Lannon
Clerk of the Commission

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 1st day of November, 2017, by Lauren Poe 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.


Notary Public, State of Florida
Commission No. and Expiration:

Approved as to Form and Legality
By: 
Keino Young
Utilities Attorney
City of Gainesville, Florida



THE GRANTEE HEREBY ACCEPTS THE TERMS AND CONDITIONS SET FORTH AND CONTAINED
HEREIN AND HAS CAUSED THESE PRESENTS TO BE EXECUTED IN ITS NAME BY ITS BOARD OF
COUNTY COMMISSIONERS ACTION BY THE CHAIRMAN OF SAID BOARD, ON THE DAY AND YEAR
FIRST ABOVE-WRITTEN.

*Signed, sealed and delivered
in the presence of:*

ALACHUA COUNTY, FLORIDA

(SEAL)

By: _____
Ken Cornell, Chair
Board of County Commissioners

ATTEST:

Jesse K. Irby, II
Clerk of the Circuit Court

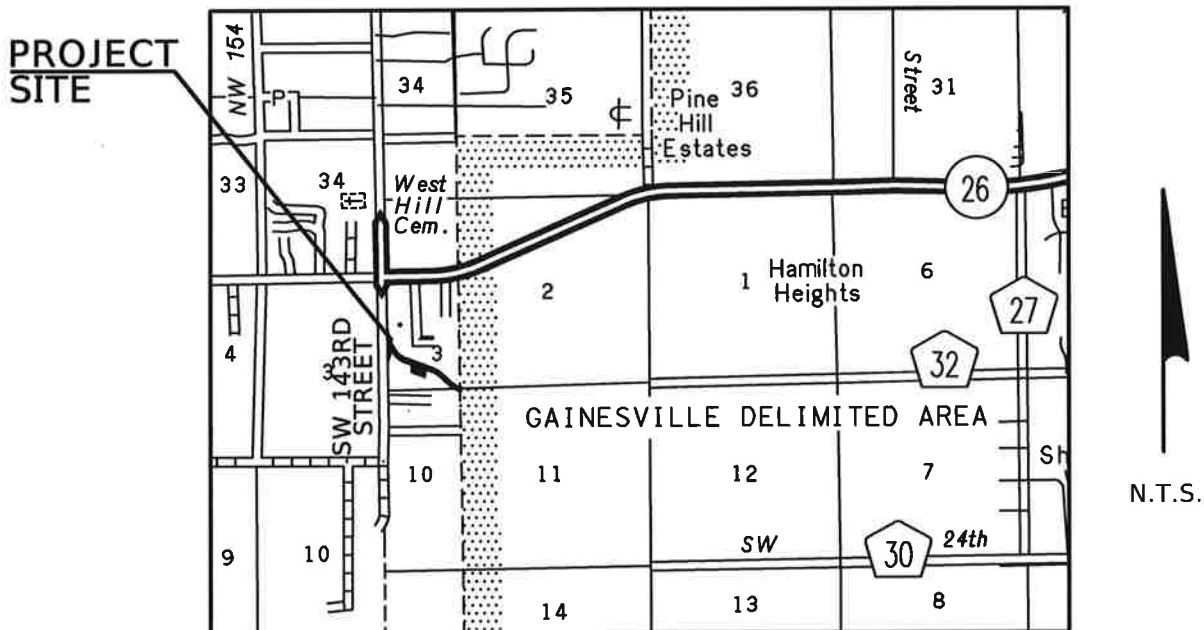
APPROVED AS TO FORM

County Attorney

SW 8TH AVENUE EXTENSION

OPTION 3, PARCEL 5 SKETCH AND DESCRIPTION FOR TRANSPORTATION EASEMENT

PART OF SECTION 2 & SECTION 11 ARREDONDO GRANT, TOWNSHIP 10 SOUTH, RANGE 18 EAST

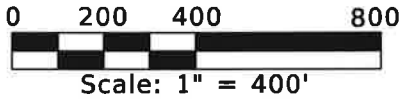


(VICINITY MAP)

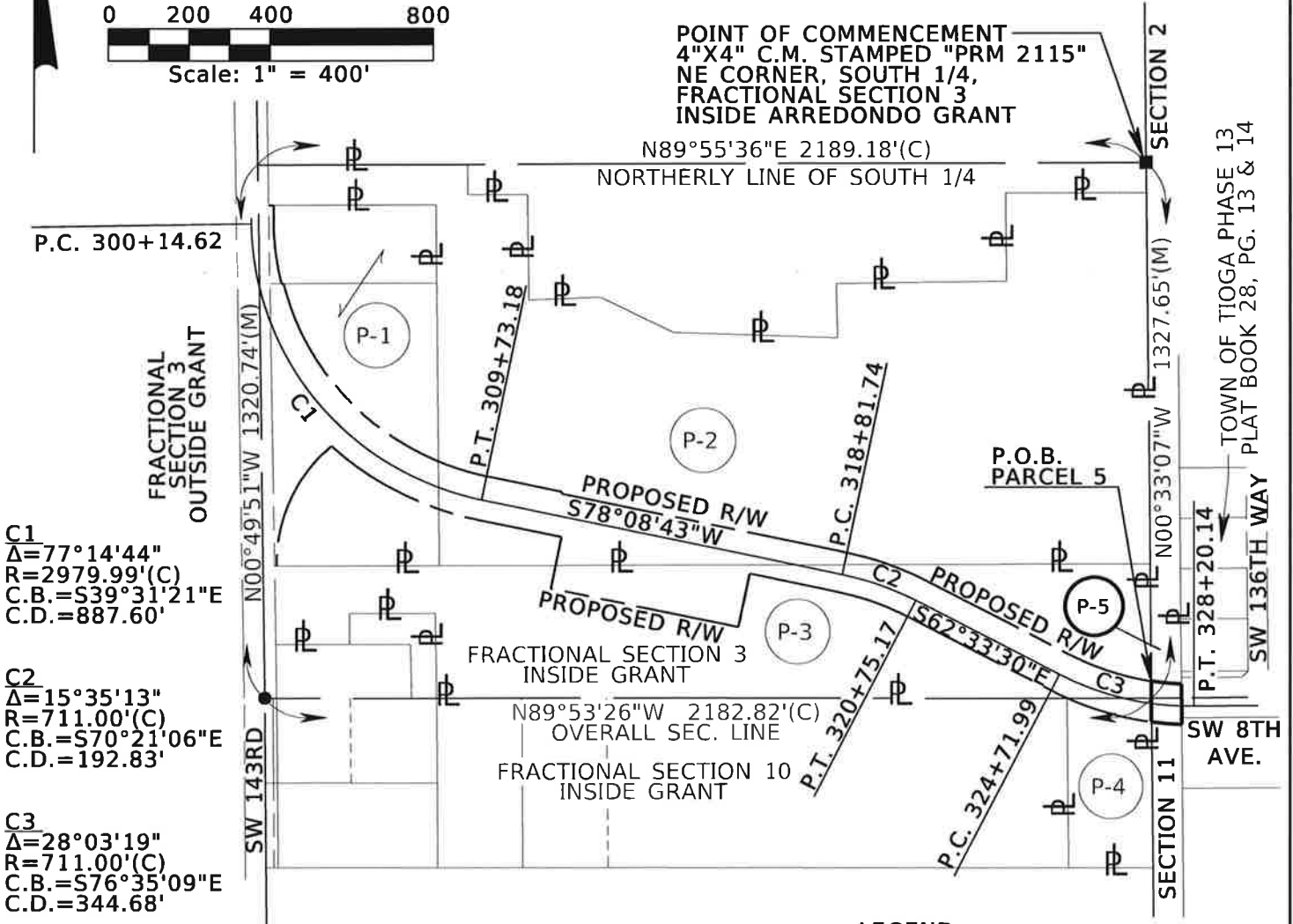
1. THIS SKETCH IS NOT A FIELD SURVEY.
2. THE SOLE PURPOSE OF THIS SKETCH IS TO GRAPHICALLY ILLUSTRATE THE PROPOSED RIGHT OF WAY TAKE PARCEL.
3. THIS SKETCH IS BASED ON A SURVEY BY DRMP, INC. DATED AUGUST, 2014, PREPARED FOR ALACHUA COUNTY. THAT SURVEY IS BASED ON FLORIDA STATE PLANE COORDINATES, NORTH ZONE, (NAD83-1986) AND IS REFERENCED TO NGS MONUMENTS A183, A167, A205 AND A179. THE COORDINATES FOR THAT SURVEY WERE ESTABLISHED BY REAL TIME NETWORK OBSERVATIONS AND A SITE CALIBRATION WAS PERFORMED WITH TRIMBLE BUSINESS CENTER.
4. THE BEARINGS SHOWN HEREON ARE BASED ON THE SURVEY DESCRIBED ABOVE IN NOTE 3. A BEARING OF $S 89^{\circ}33'08'' W$ ALONG THE MONUMENTED NORTH LINE OF FRACTIONAL SECTION 3 INSIDE THE ARREDONDO GRANT AND ARE REFERENCED TO FLORIDA STATE PLANE COORDINATES, NORTH ZONE, (NAD83-1986).
5. SEE SHEET 2 OF 5 FOR KEY MAP & LEGEND; SEE SHEET 4 OF 5 FOR DESCRIPTION AND SEE SHEET 5 OF 5 FOR SURVEYOR'S CERTIFICATION.

| | | | |
|----------|---------|--|--|
| | | PREPARED FOR: ALACHUA COUNTY, FLORIDA | |
| | | SKETCH AND DESCRIPTION - NOT A SURVEY | |
| | | SOUTHWEST 8TH AVENUE EXTENSION | ALACHUA COUNTY |
| | BY | DATE | PREPARED BY: DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648 |
| | DRAWN | K.SCHMISEK | 12-16-14 |
| | CHECKED | C.FAUST | 01-05-15 |
| | | | DRMP PROJECT No.: 11-0160.005 SCALE: N/A |
| REVISION | BY | DATE | ALACHUA COUNTY PARCEL No.: 4418-000-000 |
| | | | SHEET 1 OF 5 |

**SW 8TH AVENUE EXTENSION
PART OF SECTION 2 & SECTION 11, ARREDONDO GRANT,
TOWNSHIP 10 SOUTH, RANGE 18 EAST**



POINT OF COMMENCEMENT
4"X4" C.M. STAMPED "PRM 2115"
NE CORNER, SOUTH 1/4,
FRACTIONAL SECTION 3
INSIDE ARREDONDO GRANT



C1
Δ=77°14'44"
R=2979.99'(C)
C.B.=S39°31'21"E
C.D.=887.60'

C2
Δ=15°35'13"
R=711.00'(C)
C.B.=S70°21'06"E
C.D.=192.83'

C3
Δ=28°03'19"
R=711.00'(C)
C.B.=S76°35'09"E
C.D.=344.68'

LEGEND

- P-1** TAX IDENTIFICATION No. 4343-000-000
NEW GENERATION HOME BUILDERS, INC.
PER O.R.B. 4038, PG. 1691
- P-2** TAX IDENTIFICATION No. 4343-001-001
PNC BANK NATIONAL ASSOCIATION
PER O.R.B. 4030, PG. 2112
- P-3** TAX IDENTIFICATION No. 4342-000-000
ESSIE MAE PERRY
PER O.R.B. 2233, PG. 173 & 174
- P-4** TAX IDENTIFICATION No. 4412-011-000
WADE LYNN
PER O.R.B. 3654, PG.1200
- P-5** TAX IDENTIFICATION No. 4418-000-000
75' CITY OF GAINESVILLE
POWER LINE RIGHT OF WAY
PER O.R.B. 890, PG. 40

- & = AND
- AVE. = AVENUE
- P = PROPERTY LINE
- (C) = CALCULATED
- C.B. = CHORD BEARING
- C.D. = CHORD DISTANCE
- C.M. = CONCRETE MONUMENT
- C.R. = COUNTY ROAD
- EXIST. = EXISTING
- (F) = FIELD DATA
- FND. = FOUND
- INC. = INCORPORATED
- ID. = IDENTIFICATION
- LB = LICENSED BUSINESS
- (M) = FIELD MEASURED
- N.A.D. = NORTH AMERICAN DATUM
- NSRS = NATIONAL SPATIAL REFERENCE SYSTEM

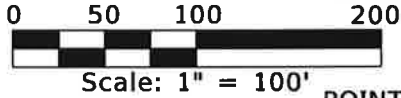
- N.T.S. = NOT TO SCALE
- No. = NUMBER
- P.C. = POINT OF CURVATURE
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- P.T. = POINT OF TANGENCY
- R = RANGE
- R/W = RIGHT OF WAY
- RT = RIGHT
- SEC. = SECTION
- S.R. = STATE ROAD
- ST. = STREET
- T = TOWNSHIP
- P-6** = PARCEL IDENTIFIER

PREPARED FOR: ALACHUA COUNTY, FLORIDA
SKETCH AND DESCRIPTION - NOT A SURVEY

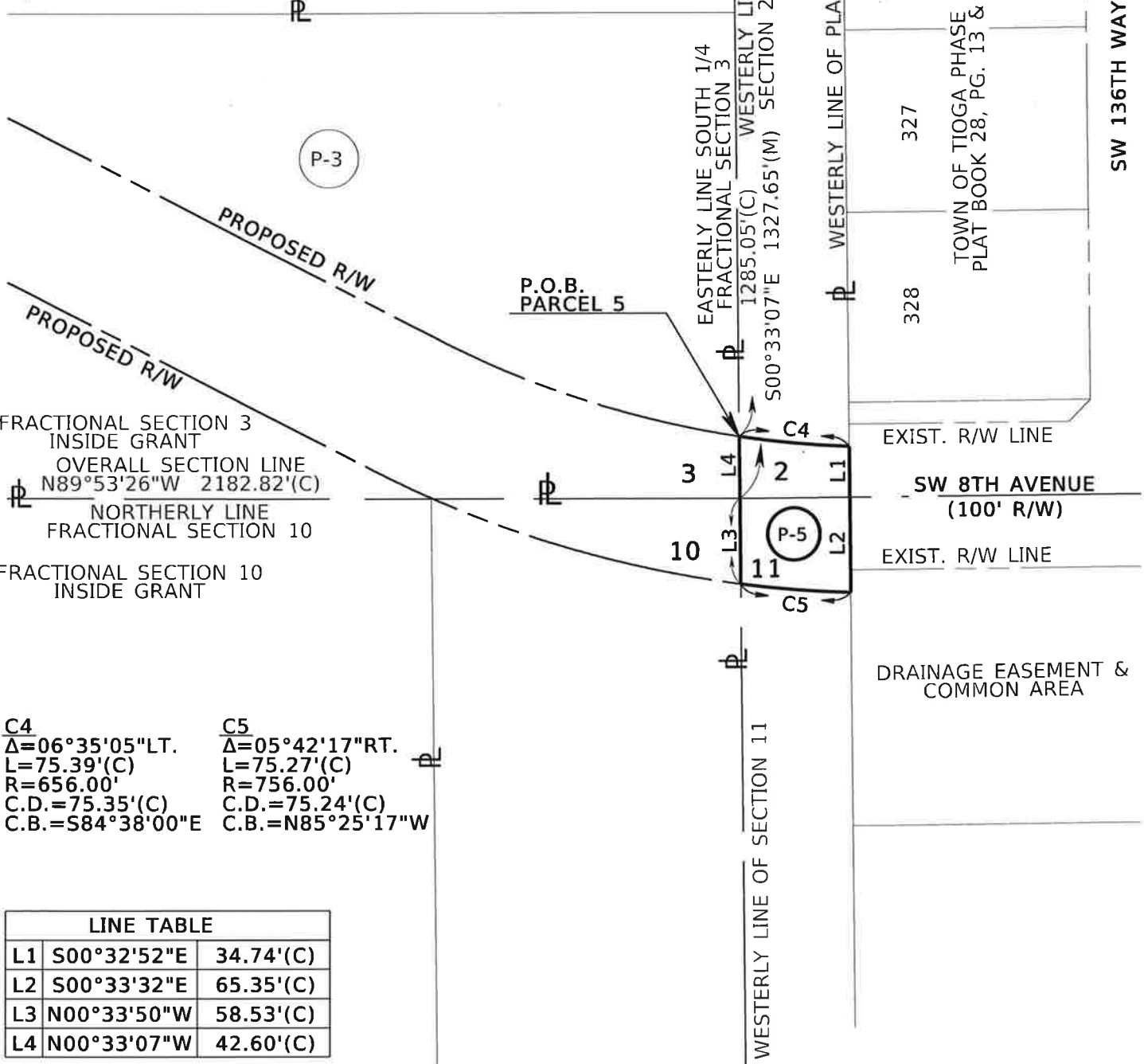
SOUTHWEST 8TH AVENUE EXTENSION **ALACHUA COUNTY**

| | | | | | | | |
|---------|------------|--------------|---|----------------------------|--------------|--------|--------------|
| | | | | | | | |
| BY | DATE | PREPARED BY: | DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648 | DRMP PROJECT No.: | 11-0160.005 | SCALE: | 1" = 400' |
| DRAWN | K.SCHMISEK | 12-16-14 | | ALACHUA COUNTY PARCEL No.: | 4418-000-000 | | SHEET 2 OF 5 |
| CHECKED | C.FAUST | 01-05-15 | | | | | |

**PART OF SECTION 2 & SECTION 11, ARREDONDO GRANT,
TOWNSHIP 10 SOUTH, RANGE 18 EAST**



POINT OF COMMENCEMENT
4"X4" C.M. STAMPED "PRM 2115"
NE CORNER, SOUTH 1/4,
FRACTIONAL SECTION 3
INSIDE ARREDONDO GRANT



FRACTIONAL SECTION 3
INSIDE GRANT
OVERALL SECTION LINE
N89°53'26"W 2182.82'(C)
NORTHERLY LINE
FRACTIONAL SECTION 10
FRACTIONAL SECTION 10
INSIDE GRANT

C4
Δ=06°35'05"LT.
L=75.39'(C)
R=656.00'
C.D.=75.35'(C)
C.B.=S84°38'00"E

C5
Δ=05°42'17"RT.
L=75.27'(C)
R=756.00'
C.D.=75.24'(C)
C.B.=N85°25'17"W

| LINE TABLE | | |
|------------|-------------|-----------|
| L1 | S00°32'52"E | 34.74'(C) |
| L2 | S00°33'32"E | 65.35'(C) |
| L3 | N00°33'50"W | 58.53'(C) |
| L4 | N00°33'07"W | 42.60'(C) |

PREPARED FOR: ALACHUA COUNTY, FLORIDA
SKETCH AND DESCRIPTION - NOT A SURVEY

NORTHWEST 8TH AVENUE EXTENSION **ALACHUA COUNTY**

| | | | | | |
|---------|------------|----------|---|---|-------------------------------|
| DRAWN | K.SCHMISEK | 12-16-14 | PREPARED BY: | DRMP, INC. | DRMP PROJECT No.: 11-0160.005 |
| | | | | 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648 | |
| CHECKED | C.FAUST | 12-16-14 | ALACHUA COUNTY PARCEL No.: 4418-000-000 | | SHEET 3 OF 5 |

| REVISION | BY | DATE |
|----------|----|------|
| | | |

OPTION 3, PARCEL 5
 PARCEL NO. 4418-000-000
 CITY OF GAINESVILLE POWER LINE RIGHT OF WAY
 OFFICIAL RECORDS BOOK 890, PAGE 40

BEING A PART OF SECTION 2 AND SECTION 11, INSIDE THE ARREDONDO GRANT, TOWNSHIP 10 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT A 4"X4" CONCRETE MONUMENT, STAMPED "PRM 2115", FOUND MARKING THE NORTHEAST CORNER OF THE SOUTH QUARTER OF FRACTIONAL SECTION 3, INSIDE THE ARREDONDO GRANT, TOWNSHIP 10 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA; THENCE SOUTH 00°33' 07" EAST, ALONG THE EASTERLY LINE OF SAID SOUTH QUARTER OF FRACTIONAL SECTION 3, ALSO BEING THE WESTERLY LINE OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 18 EAST, A DISTANCE OF 1,285.05 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON A CURVE TO THE LEFT (NON TANGENT), HAVING A RADIUS OF 656.00 FEET; THENCE ALONG SAID CURVE, THROUGH AN ANGLE OF 06°35'05", AN ARC DISTANCE OF 75.39 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 84°38'00" EAST, 75.35 FEET TO THE WESTERLY LINE OF THE TOWN OF TIOGA PHASE 13, AS PER PLAT BOOK 28, PAGES 13 AND 14 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH 00°32'52" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 34.74 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 00°33'32" EAST, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 65.35 FEET TO A POINT ON A CURVE TO THE RIGHT (NON TANGENT), HAVING A RADIUS OF 756.00 FEET; THENCE, DEPARTING SAID WESTERLY LINE, ALONG SAID CURVE, THROUGH AN ANGLE OF 05°42'17", AN ARC DISTANCE OF 75.27 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 85°25'17" WEST, 75.24 FEET TO THE WESTERLY LINE OF SECTION 11; THENCE NORTH 00°33'50" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 58.53 FEET TO THE NORTHWESTERLY CORNER OF SAID SECTION 11, ALSO BEING THE SOUTHWESTERLY CORNER OF AFORESAID SECTION 2; THENCE NORTH 00°33'07" WEST, ALONG THE WESTERLY LINE OF SAID SECTION 2, A DISTANCE OF 42.60 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7,533 SQUARE FEET OR 0.173 ACRE OF LAND, MORE OR LESS.

| | | | | | | |
|----------|----|------|--|------------|--|---|
| | | | PREPARED FOR: ALACHUA COUNTY, FLORIDA | | | |
| | | | SKETCH AND DESCRIPTION - NOT A SURVEY | | | |
| | | | SOUTHWEST 8TH AVENUE EXTENSION | | ALACHUA COUNTY | |
| | | | BY | DATE | PREPARED BY: DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648 | DRMP PROJECT No.: 11-0160.005 |
| | | | DRAWN | K.SCHMISEK | 12-16-14 | SCALE: N/A |
| | | | CHECKED | C.FAUST | 01-05-15 | ALACHUA COUNTY PARCEL No.: 4418-000-000 |
| REVISION | BY | DATE | SHEET 4 OF 5 | | | |

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO TO THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE SKETCH AND DESCRIPTION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS AND CONTAINED IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION

 11/08/16
 CLYDE WILLIAM FAUST, III, P.S.M. DATE
 FLORIDA PROFESSIONAL LAND SURVEYOR AND MAPPER No. 6600

THIS SKETCH AND DESCRIPTION AND COPIES THEREOF ARE NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND ORIGINAL RAISED SEAL.

| | | | | | |
|----------|----|------|--|------------|--|
| | | | PREPARED FOR: ALACHUA COUNTY, FLORIDA | | |
| | | | SKETCH AND DESCRIPTION - NOT A SURVEY | | |
| | | | SOUTHWEST 8TH AVENUE EXTENSION | | ALACHUA COUNTY |
| | | | BY | DATE | PREPARED BY DRMP, INC 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#264R |
| | | | DRAWN | K.SCHMISEK | 12-16-14 |
| | | | CHECKED | C.FAUST | 01-05-15 |
| REVISION | BY | DATE | ALACHUA COUNTY PARCEL No.: | | 4418-000-000 |
| | | | | | DRMP PROJECT No: 11-0160-005 SCALE N/A |
| | | | | | SHEET 5 OF 5 |

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601

Text File

File Number: 170460.

Agenda Date: 11/2/2017

Version: 2

Status: Passed

In Control: General Manager for Utilities

File Type: Staff
Recommendation

Title

Perpetual Transportation Easement to Alachua County (B)

Explanation

Alachua County has received partial funding from the Florida Department of Transportation to construct an extension of SW 8th Avenue, from NW 143rd Street to SW 137th Way, to help alleviate congestion on Newberry Road. The new road will be two lanes with bike lanes and a multi-use path. The construction will be in compliance with the specifications set forth in the State of Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The transportation plan has routed the new road across the City of Gainesville transmission right-of-way and construction cannot be completed without this crossing. As such, it is necessary that the City grant a transportation easement to Alachua County. The City acquired fee simple title to this transmission right-of-way through a condemnation proceeding in 1974. The final judgment stipulated that the City is required to provide ingress and egress across the acquired parcels, expressly to governmental bodies, for roadways or streets.

In exchange for the transportation easement, Alachua County will be constructing two (2) twelve foot wide paved driveways and installing two (2) sixteen foot gates and fencing to serve as a secured, unimpeded access to the transmission corridor. Additionally, the County has also agreed to waive all Right of Way Utilization Inspection Fees for the installation of water, sewer and gas facilities along the new roadway during the initial construction.

Staff has reviewed and recommended the granting of the Perpetual Transportation Easement to Alachua County for this project. The City will retain fee simple title to the transmission right-of-way and an indemnification clause has been incorporated into the easement to protect and defend the City from all claims or expenses arising out of or relating to the County's utilization of the easement areas for transportation purposes.

This item was presented to the Utility Advisory Board on October 12, 2017. The Board voted 6-0, with Member Campbell absent, to advise the City Commission to approve the staff recommendation.

Fiscal Note

None.

Recommendation

Staff:

The City Commission: 1) approve the granting of a perpetual transportation easement to Alachua County for transportation purposes across a portion of the City of Gainesville electric transmission right-of-way; and 2) authorize the Mayor and the Clerk of the Commission to execute the Easement, substantially in the form as attached, subject to approval by the City Attorney as to form and legality.

UAB:

Approve the staff recommendation.