

This Instrument Prepared By:
Kristie A. Williams, Land Rights Coordinator
Real Estate Division
Gainesville Regional Utilities
P.O. Box 147117, Sta. A130
Gainesville, FL 32614-7117

GRU Utility Right-of-Way located in

Sections 9, 10 & 16, Township 11 South, Range 18 East

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PARCEL NO. 801.1
SECTION NO. 26090
F.P. NO. 2078374
STATE ROAD NO. 24 (Archer Road Trail)
COUNTY OF Alachua

PEDESTRIAN TRAIL EASEMENT

THIS EASEMENT, made this _____ day of June, 2012, by CITY OF GAINESVILLE, Florida, a municipal corporation, whose post office address is P.O. Box 490, Gainesville, Florida 32602, GRANTOR, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, whose post office address is 1109 South Marion Avenue, Lake City, Florida 32025-5874, its successors and assigns, 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 construction, operation, and maintenance of a pedestrian trail, over, 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 conditions:

1. GRANTOR reserves the right to access, install, operate and maintain utility infrastructure and all other appurtenances in a manner that is in its best interest. GRANTOR's use will include the operation of construction vehicles and heavy equipment on and immediately adjacent to the pedestrian trail. If the pedestrian trail is abandoned or otherwise terminated in writing by Grantee in the future, GRANTOR may immediately regain use of the easement area.
2. GRANTOR has the unrestrictive right to temporarily close the pedestrian trail (or any section thereof) if in its sole judgment it is necessary to safeguard the public during utility operations, construction or maintenance.
3. GRANTEE shall be solely responsible for the construction, operation and maintenance of the pedestrian trail.
4. GRANTEE by acceptance and recording of this easement hereby agrees that the utilization of this easement area for a pedestrian trail shall not be inconsistent with the safe and efficient operation, and maintenance of GRANTOR's public utility facilities located thereon, adjacent to, or any future public utility facilities that may be situated thereon.
5. GRANTEE shall not construct or install any buildings, structures or obstacles within the easement area other than the pedestrian trail. Any signage and/or associated lighting will require the express prior consent of GRANTOR and may not be ultimately approved by GRANTOR.

- 6. GRANTEE shall not adversely impact drainage patterns or pre-existing improvements. GRANTEE shall be solely responsible for the permitting, design, construction, operation and maintenance required for the management and storage of surface waters associated with post development runoff created as a result of any improvements, in accordance with all applicable federal, state and local laws, codes and ordinances.
- 7. 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.

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

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have executed this instrument as of the _____ day of June, 2012.

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

CITY OF GAINESVILLE, FLORIDA

Print Name: _____

Print Name: _____

BY: _____
Craig Lowe
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 June, 2012, by Craig Lowe 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: _____
Shayla L. McNeill
Utilities Attorney
City of Gainesville, Florida

Signed, sealed and delivered
in the presence of:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Witness:
Print Name: _____

By: _____
Robert L. Parks
District Director for Transportation
Development District Two

Witness:
Print Name: _____

Legal Review

By: _____

Print Name: _____
District Counsel

Date: _____

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Robert L. Parks, District Director for Transportation Development, District Two, who is personally known to me and who did not take an oath.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

EXHIBIT "A"

Section No. 26090
F.P. No. 2078374

State Road No. 24 (Archer Road Trail)

Alachua County

Parcel Number 801

Perpetual Easement

A Parcel Of Land Lying Within Sections 9, 10 And 16, Township 11 South, Range 18 East, Alachua County, Florida, Said Parcel Being More Particularly Described As Follows:

Begin At The Northwest Corner Of The Northeast 1/4 Of Section 16, Township 11 South, Range 18 East, Alachua County, Florida; Thence Run North 89°20'00" East, Along The Northerly Line Of Said Section 16, A Distance Of 35.41 Feet To A Point Of Intersection With The Westerly Line Of The Lands As Described In Official Records Book 735, Page 381, As Recorded In The Public Records Of Alachua County, Florida; Thence Departing Said Northerly Line, North 49°16'53" East, Along Said Westerly Line, A Distance Of 5146.11 To The Southwest Corner Of The Lands As Described In Official Records Book 1611, Page 343, As Recorded In The Public Records Of Alachua County, Florida; Thence Along The Easterly Line Of Said Lands, North 49°32'06" East, A Distance Of 1699.61 Feet To A Point Of Intersection With The Southerly Existing Right Of Way Line Of State Road No. 24 (Archer Road) (A Variable Width Right Of Way) And To The Beginning Of A Curve To The Left, Said Curve Having A Radius Of 90.00 Feet And A Chord Bearing And Distance Of South 35°14'16" West, 44.45 Feet; Thence Departing Said Southerly Existing Right Of Way Line And Along The Arc Of Said Curve To The Left, Through An Angle Of 28°35'41", An Arc Distance Of 44.92 Feet To The Point Of Tangency; Thence South 20°56'25" West, A Distance Of 3.81 Feet To The Beginning Of A Curve To The Right, Said Curve Having A Radius Of 100.00 Feet And A Chord Bearing And Distance Of South 35°14'16" West, 49.39 Feet; Thence Along The Arc Of Said Curve To The Right, Through An Angle Of 28°35'41", An Arc Distance Of 49.91 Feet To A Point Of Intersection With A Line Lying And Being 25.00 Feet East Of And Parallel With The Aforesaid Westerly Line Of The Lands As Described In Official Records Book 1611, Page 343, And To A Point Of Tangency; Thence Continue Along Said Parallel Line, South 49°32'06" West, A Distance Of 1605.27 Feet To A Point Of Intersection With A Line Lying And Being 25.00 Feet East Of And Parallel With The Aforesaid Westerly Line Of The Lands As Described In Official Records Book 735, Page 381; Thence Along Said Parallel Line, South 49°16'53" West, A Distance Of 5131.47 Feet To The Beginning Of A Curve To The Right, Said Curve Having A Radius Of 65.00 Feet And A Chord Bearing And Distance Of South 69°18'27" West, 44.52 Feet; Thence Departing Said Parallel Line And Along The Arc Of Said Curve To The Right, Through An Angle Of 40°03'07", An Arc Distance Of 45.44 Feet To A Point Of Intersection With A Line Lying And Being 25.00 Feet South Of And Parallel With The Aforesaid Northerly Line Of Said Section 16 And To The Point Of Tangency; Thence Along Said Parallel Line, South 89°20'00" West, A Distance Of 37.61 Feet To The Beginning Of A Curve To The Left, Said Curve Having A Radius Of 45.00 Feet And A Chord Bearing And Distance Of South 69°18'27" West, 30.82 Feet; Thence Departing Said Parallel Line And Along The Arc Of Said Curve To The Left, Through An Angle Of 40°03'07", An Arc Distance Of 31.46 Feet To A Point Of Intersection With The Aforesaid Line Lying And Being 25.00 Feet East Of And Parallel With The Westerly Line Of The Lands As Described In Official Records Book 735, Page 381, And To A Point Of Tangency; Thence Along Said Parallel Line, South 49°16'53" West, A Distance Of 1457.91 Feet To A Point Of Intersection With The Easterly Existing Right Of Way Line Of The CSX Transportation Railroad; Thence Departing Said Parallel Line, North 54°39'44" West, Along Said Easterly Existing Right Of Way Line, A Distance Of 25.76 Feet To The Aforesaid Westerly Line Of The Lands Described In Official Records Book 735, Page 381; Thence Departing Said Easterly Existing Right Of Way Line Of The CSX Transportation Railroad, North 49°16'53" East, Along Said Westerly Line, A Distance Of 1489.57 Feet To A Point Of Intersection With The Aforesaid Northerly Line Of Said Section 16; Thence Departing Said Westerly Line, North 89°16'28" East, Along Said Northerly Line, A Distance Of 42.34 Feet To The **Point Of Beginning**.

Containing 4.799 Acres Of Land, More Or Less.

This instrument prepared by
or under the direction of:

Kristie A. Williams, Land Rights Coordinator
Real Estate Division
Gainesville Regional Utilities
PO Box 14711, Sta. A130
Gainesville, FL 32614-7117

PARCEL NO. 801.1
SECTION NO. 26090
F.P. NO. 2078374
STATE ROAD NO. 24 (Archer Road Trail)
COUNTY OF Alachua

RESOLUTION

ON MOTION of Commissioner _____,
seconded by Commissioner _____, the following
Resolution was adopted; and

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 24, Section No. 26090, F.P. No. 2078374, in Alachua County, Florida; and

WHEREAS, it is necessary that an easement across certain lands now owned by the City of
Gainesville, Florida, be acquired by the State of Florida Department of Transportation; and

WHEREAS, said use is in the best interest of the City; and

WHEREAS, the State of Florida Department of Transportation has made application to said
City to execute and deliver to the State of Florida Department of Transportation a perpetual
easement, or easements, in favor of the State of Florida Department of Transportation for the
purpose of construction, operation, and maintenance of a pedestrian trail, and said request having
been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Gainesville,
Florida, that the application of the State of Florida Department of Transportation for a perpetual
easement, or easements, is for transportation purposes which are in the public or community
interest and for public welfare; that a perpetual easement, or easements, in favor of the State of
Florida Department of Transportation in Gainesville, Florida, should be drawn and executed by this
Board of City Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith
to the State of Florida Department of Transportation at Lake City, Florida.

PASSED AND ADOPTED this _____ day of _____, 2012.

Craig Lowe, Mayor

Approved as to form and legality:

Shayla L. McNeil
Utilities Attorney
City of Gainesville, FL

ATTEST:

Kurt M. Lannon, Clerk of Commission