



THIS INSTRUMENT PREPARED BY & RETURN TO:  
Fred A. Morrison  
McLin & Burnsed, P.A.  
Post Office Box 491357  
Leesburg, Florida 34749-1357

CFN 2010062859  
Bk 03918 Pgs 2490 - 2494; (5pgs)  
DATE: 06/21/2010 03:28:14 PM  
NEIL KELLY, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 44.00  
DEED DOC 0.70

**Utility Easement**

RESERVED FOR RECORDING

THIS EASEMENT given the 10<sup>th</sup> day of JUNE, 2010, by TOPPINO HOLDINGS, LLC, whose address is 4880 North Highway 19A, Suite 100, Mount Dora, Florida 32757, hereafter referred to as Grantor, to THE CITY OF LEESBURG, FLORIDA, whose address is P.O. Box 490630, Leesburg, FL 34749-0630, hereafter referred to as Grantee,

WITNESSETH:

That for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid and tendered unto Grantor, receipt whereof is hereby acknowledged, Grantor does hereby grant, bargain, sell, convey and confirm unto Grantee, its successors and assigns forever, a perpetual easement over and across the following described real property:

AS DESCRIBED ON EXHIBIT "A" ATTACHED

for the purpose of construction, installation, repair, maintenance, replacement and improvement of underground or above ground utilities, including but not limited to water, sewer, reuse water, natural gas, electricity, cable television, fiber optics, and telecommunications. If Grantee damages any surface improvements in its use of this easement, it shall repair any such damage at its expense, and restore the improvements to substantially the same condition they were in prior to the damage. Grantee is also given an irrevocable license, for so long as this Easement remains in effect, to cross the adjoining real property owned by Grantor, for the purpose of conducting any activities permitted by this Easement provided that such right of passage shall not interfere substantially with Grantor's use of its adjoining property.

To HAVE AND TO HOLD unto Grantee, its successors and assigns forever. Grantor does hereby warrant the title to the interests conveyed to Grantee hereunder and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has set his or her hand and seal the day and year first above written. As used herein, the term "Grantor" shall refer to that person, or those persons, so named above, and shall be interpreted as being singular or plural, and shall be considered to have the person, number and gender appropriate to the context of the named individuals or entities.

{SIGNATURES APPEAR ON FOLLOWING PAGE}

WITNESSES (two required)

GRANTOR: TOPPINO HOLDINGS, LLC

Thomas S. Braue  
THOMAS S. BRAUE  
(Type or print name of Witness)

BY: Philip M. Toppino  
PHILIP M. TOPPINO,  
Managing Member

Zalaykha Thomas  
Zalaykha Thomas  
(Type or print name of witness)

STATE OF FLORIDA  
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared Phillip M. Toppino, as Managing Member of Toppino Holdings, LLC, who acknowledged before me that he executed this instrument on the 10<sup>th</sup> day of June, 2010, and who was either  personally known to me, or who  produced \_\_\_\_\_ as identification.

Princess Braue  
NOTARY PUBLIC  
Princess Braue  
Type or print name of Notary

DD629404  
Commission Number  
January 15, 2011  
Commission expiration date



**JOINER & CONSENT OF MORTGAGEE**

The undersigned, as holder of a mortgage or other lien on the above described property, as recorded in Official Records Book 3326, Page 1211, Public Records of Lake County, Florida, does hereby join in and consent to the granting of the easement to the City of Leesburg, Florida, and agrees that its interest in the property shall henceforth be inferior and subordinate to the easement rights herein created.

WELLS FARGO BANK, as successor by merger to Wachovia Bank, N.A.

BY: KEVIN WHISLER *[Signature]*  
VP LOAN ADJUSTER, OFFICER  
Type or print name and position or title

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned Notary Public, personally appeared KEVIN WHISLER, the VP LOAN ADJUSTER, OFFICER of Wells Fargo Bank, as successor by merger to Wachovia Bank, N.A., who acknowledged before me that (s)he executed this instrument on the 20 day of MAY, 2010, and who was either  personally known to me, or who  produced \_\_\_\_\_ as identification.

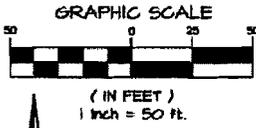
Janie Guillen  
NOTARY PUBLIC  
JANIE GUILLEN  
Type or print name of Notary

DD 91051050  
Commission Number  
04-12-2014  
Commission expiration date



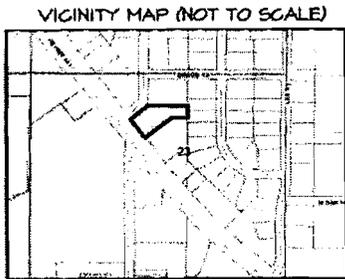
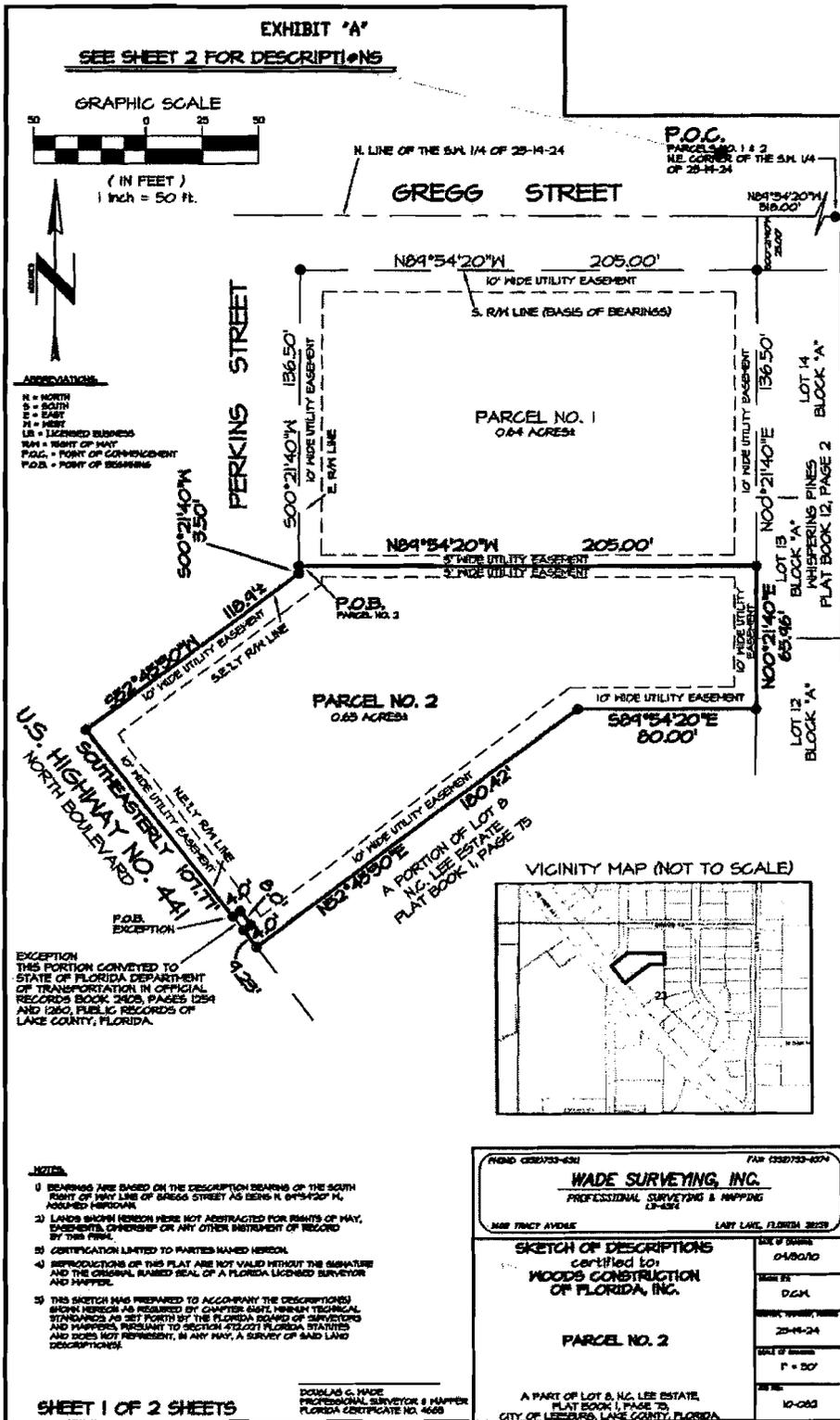
EXHIBIT 'A'

SEE SHEET 2 FOR DESCRIPTIONS



ABBREVIATIONS

- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- LR = LICENSED BUSINESS
- R/W = RIGHT OF WAY
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING



EXCEPTION  
THIS PORTION CONVEYED TO  
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION IN OFFICIAL  
RECORDS BOOK 2628, PAGES 1254  
AND 1255, PUBLIC RECORDS OF  
LAKE COUNTY, FLORIDA.

- NOTES**
- 1) BEARINGS ARE BASED ON THE DESCRIPTION BEARING OF THE SOUTH  
RIGHT OF WAY LINE OF GREGG STREET AS BEING N 89°54'20" W,  
ADJACENT HEREOF.
  - 2) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY,  
EASEMENTS, OWNERSHIP OR ANY OTHER INSTRUMENT OF RECORD  
BY THIS FIRM.
  - 3) CERTIFICATION LIMITED TO PARTIES NAMED HEREOF.
  - 4) REPRODUCTIONS OF THIS PLAT ARE NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL NAMED SEAL OF A FLORIDA LICENSED SURVEYOR  
AND MAPPER.
  - 5) THIS SKETCH WAS PREPARED TO ACCOMPANY THE DESCRIPTIONS  
SHOWN HEREOF AS REQUIRED BY CHAPTER 6815, NINTH TECHNICAL  
STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS  
AND MAPPERS, PURSUANT TO SECTION 472.021 FLORIDA STATUTES  
AND DOES NOT REPRESENT, IN ANY WAY, A SURVEY OF LAND AND  
DESCRIPTIONS.

SHEET 1 OF 2 SHEETS

DOUGLAS C. WADE  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NO. 4668

PHONE 682-753-630	FAX 682-753-6574
<b>WADE SURVEYING, INC.</b>	
PROFESSIONAL SURVEYING & MAPPING L.P.#654	
3408 TRACY AVENUE	LAKELAKE, FLORIDA 32939
SKETCH OF DESCRIPTIONS certified to: <b>WOODS CONSTRUCTION                  OF FLORIDA, INC.</b>	
PARCEL NO. 2	
A PART OF LOT 8, N.C. LEE ESTATE, PLAT BOOK 1, PAGE 75, CITY OF LEEBURG, LAKE COUNTY, FLORIDA.	
DATE OF SURVEY	04/06/10
SCALE	DRAWN
DATE OF PLAT	20-04-24
SCALE OF SURVEY	1" = 50'
DATE	10-000

**EXHIBIT 'A'**

SEE SHEET 1 FOR DESCRIPTION SKETCH

DESCRIPTION:

UTILITY EASEMENT FOR PARCEL NO. 2

A 10 FOOT WIDE UTILITY EASEMENT ALONG ALL BOUNDARY LINES, EXCEPT THE NORTH BOUNDARY LINE WHICH IS A 5 FOOT WIDE UTILITY EASEMENT OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT PART OF LOT 8 ACCORDING TO THE PLAT OF N.C. LEE ESTATE, A SUBDIVISION IN THE CITY OF LEEBSBURG, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 75, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, RUN NORTH 89°54'20" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 518 FEET; THENCE SOUTH 00°21'40" WEST 28 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF GREGG STREET; THENCE NORTH 89°54'20" WEST ALONG THE SOUTH LINE OF SAID RIGHT OF WAY 205 FEET TO THE EAST LINE OF THE RIGHT OF WAY OF PERKINS STREET; THENCE SOUTH 00°21'40" WEST ALONG THE EAST LINE OF SAID RIGHT OF WAY 186.50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING CONTINUE SOUTH 00°21'40" WEST ALONG THE EAST LINE OF THE RIGHT OF WAY OF PERKINS STREET 3.50 FEET; THENCE SOUTH 52°45'30" WEST ALONG THE SOUTHEASTERLY LINE OF SAID RIGHT OF WAY 118.9 FEET, MORE OR LESS, TO THE NORTHEASTERLY LINE OF THE RIGHT OF WAY OF NORTH BOULEVARD; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID RIGHT OF WAY 125 FEET; THENCE NORTH 52°45'30" EAST PARALLEL WITH THE RIGHT OF WAY OF PERKINS STREET 180.42 FEET; THENCE SOUTH 89°54'20" EAST, PARALLEL WITH THE RIGHT OF WAY OF SAID GREGG STREET 80.00 FEET TO THE WEST LINE OF WHISPERING PINES, A SUBDIVISION IN THE CITY OF LEEBSBURG, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 00°21'40" EAST ALONG THE WEST LINE OF SAID SUBDIVISION 85.98 FEET; THENCE NORTH 89°54'20" WEST, PARALLEL WITH THE RIGHT OF WAY OF GREGG STREET 205 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF THAT PART OF LOT NO. 8, N.C. LEE ESTATE CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BEING PARCEL 114, SECTION 11010, F.P. NO. 288944 2, RECORDED IN OFFICIAL RECORDS BOOK 2405, PAGES 1254 AND 1260, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

SHEET 2 OF 2 SHEETS

DONALD G. WADE  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NO. 4688

(FIDIC 0281731-431) <span style="float: right;">FAR 0281733-4374</span> <b>WADE SURVEYING, INC.</b> PROFESSIONAL SURVEYING & MAPPING 12-1281 5000 TRACY AVENUE <span style="float: right;">LARY LAKE, FLORIDA 32057</span>	
SKETCH OF DESCRIPTIONS certified to: <b>WOODS CONSTRUCTION                  OF FLORIDA, INC.</b>  PARCEL NO. 2	DATE OF SURVEY 04/06/10
	DRAWN BY D.G.M.
	DATE OF THIS MAP 28-11-24
	SCALE OF MAPS 1" = 50'
	JOB NO. 10-003
A PART OF LOT 8, N.C. LEE ESTATE, PLAT BOOK 1, PAGE 75, CITY OF LEEBSBURG, LAKE COUNTY, FLORIDA	