



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

Utility Easement

CFN 2010082541
Bk Q3938 Pgs 1817 - 1821 (5pgs)
DATE: 08/16/2010 03:37:14 PM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 44.00
DEED DOC 0.70

RESERVED FOR RECORDING

THIS EASEMENT given the Aug 3 day of Aug, 2010, by KURTELL GROWTH INDUSTRIES, LTD., whose address is 1717 20th Street, Suite 105, Vero Beach, FL 32960, 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.

{GRANTOR SIGNATURE APPEARS ON FOLLOWING PAGE}

WITNESSES (two required)

GRANTOR: KURTELL GROWTH INDUSTRIES, LTD.

Gina Watthos
Gina Watthos
(Type or print name of Witness)

BY: Marilyn G. Wallach
MARILYN G. WALLACH, General Partner

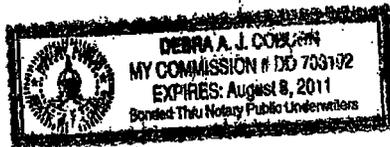
Lorraine T. Edson
Lorraine T. Edson
(Type or print name of witness)

STATE OF FLORIDA
COUNTY OF Indian River

BEFORE ME, the undersigned Notary Public, personally appeared Marilyn G. Wallach, as General Partner of Kurtell Growth Industries, Ltd., a Texas limited partnership, who acknowledged before me that she executed this instrument on the 20 day of August, 2010, and who was either personally known to me, or who produced _____ as identification.

Debra A. J. Coburn
NOTARY PUBLIC
Debra A. J. Coburn
Type or print name of Notary

DD# 703192
Commission Number
8/8/11
Commission expiration date

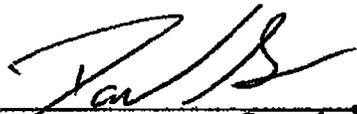


JOINDER & CONSENT OF MORTGAGEE

The undersigned, as holder of a mortgage or other lien on the above described property, as recorded in Official Records Book 1548, Page 2424, Public Records of Lake County, Florida, as subsequently modified, amended and assigned, 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, PROVIDED HOWEVER that nothing contained herein shall release Mortgagee's interest under the mortgages and other security documents evidencing the lien on the described property, except as set forth herein.

**COMMINGLED PENSION TRUST FUND
(MORTGAGE PRIVATE PLACEMENT) OF
JPMORGAN CHASE BANK, N.A.**

**BY: JPMORGAN CHASE BANK, N.A. AS
TRUSTEE**

BY: 

Daniel Song Vice President
Type or print name and position or title

STATE OF New York
COUNTY OF New York

BEFORE ME, the undersigned Notary Public, personally appeared _____
Daniel Song, the Vice President
of JPMORGAN CHASE BANK, N.A. as Trustee under the Amended and Restated Declaration of Trust dated as of June 1, 1999, for the Commingled Pension Trust Fund, who acknowledged before me that (s)he executed this instrument on the 16th day of July, 2010, and who was either personally known to me, or who produced _____ as identification.



NOTARY PUBLIC

Charles D. NORTH

Type or print name of Notary

01N06014353

Commission Number

10/13/2010

Commission expiration date

Charles D North
Notary Public State of New York
Qualified in Suffolk County
License # 01N06014353
Commission Expires 10/13/20 10

EXHIBIT "A"

PARENT PARCEL: "PARCEL No. 1" OR BOOK 1570, PAGE 0767, TO WIT;

THAT PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN THE CITY OF LEEBSBURG, FLORIDA, LYING EAST OF THE EASTERLY LINE OF THE RIGHT OF WAY OF THE SEABOARD COAST LINE RAILROAD, LESS THE NORTH 30 FEET THEREOF, AND LESS THE EAST 200 FEET OF THE SOUTH 1175 FEET THEREOF, ALSO LESS: FROM THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, RUN NORTH 89°49'00" WEST ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4 A DISTANCE OF 476.8 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH 89°49'00" WEST ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4 80 FEET, THENCE SOUTH 01°19'00" WEST 80 FEET; THENCE SOUTH 89°49'00" EAST 80 FEET; THENCE NORTH 01°19'00" EAST 80 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, LESS RIGHT OF WAY FOR COUNTY ROAD.

DESCRIPTION : 10' UTILITY EASEMENT

A 10 FOOT WIDE, PERPENDICULAR MEASURE, PARCEL OF LAND LYING NORTHERLY OF AND CONTIGUOUS WITH THE SOUTH LINE OF THE NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER, (SE 1/4), OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST IN THE CITY OF LEEBSBURG, FLORIDA, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE FORMER ATLANTIC COAST LINE RAILROAD, AND WEST OF THE WEST LINE OF THE EAST 200 FEET OF THE SOUTH 1175 FEET OF SAID NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER (SE 1/4).

ALSO BEING DESCRIBED AS FOLLOWS:

CORNER AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER, (SE 1/4), OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN THE CITY OF LEEBSBURG, FLORIDA, THENCE RUN WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER, (SE 1/4), OF SECTION 16, A DISTANCE OF 204.8 FEET, TO THE WEST LINE OF THE EAST 200 FEET, AND THE POINT OF BEGINNING OF THIS DESCRIPTION, (P.O.B.); THENCE RUN NORTH ALONG SAID WEST LINE A DISTANCE OF 18.00 FEET; THENCE RUN WEST, PARALLEL WITH AND 18.00 FEET, PERPENDICULAR HERETO, NORTH OF SAID SOUTH LINE OF THE NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER, (SE 1/4), A DISTANCE OF 72.8 FEET MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE FORMER ATLANTIC COAST LINE RAILROAD AND HAVING A RIGHT OF WAY WIDTH OF 120.00 FEET; THENCE RUN SOUTHERLY ALONG SAID RAILROAD RIGHT OF WAY LINE, A DISTANCE OF 16.7 FEET MORE OR LESS TO THE ADJACENT SAID SOUTH LINE OF THE NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER, (SE 1/4); THENCE RUN EAST ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER, (NW 1/4), OF THE SOUTHWEST QUARTER, (SE 1/4), A DISTANCE 788.0 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 7,126.88 SQUARE FEET OR 0.163 ACRES, MORE OR LESS.

GENERAL NOTES

- 1: This is **NOT A BOUNDARY SURVEY**.
- 2: This sketch is to show existing site information and improvements for the sole purpose of conceptual design.
- 3: This sketch was prepared for the City of Leesburg and its agents as these licenses may appear. Use of this sketch by any other parties is strictly forbidden.
- 4: Use of this sketch shows no intent for any other purpose than that stated in note (2) is the sole responsibility of the user. The City of Leesburg assumes no liability for the misuse of this information.
- 5: All information outside the labeled limits of this site is for general reference purposes only. Assumption of accuracy outside of said site boundary is the liability of the user.
- 6: The bearings, shown herein, are relative to assumed datum and are based on the Legal Description as described in O R Book 1570, page 0767, Section 16, Township 19 South, Range 24 East, Lake County, Florida.
- 7: This sketch was prepared by the City of Leesburg, Public Works Department, Sunny Chhibar, under the direction of Steven C. Davis, Executive Service Planner, for the City of Leesburg.
- 8: This sketch contains 2 sheets in which NONE are valid without all remaining sheets.

SECTION: 15-10-24

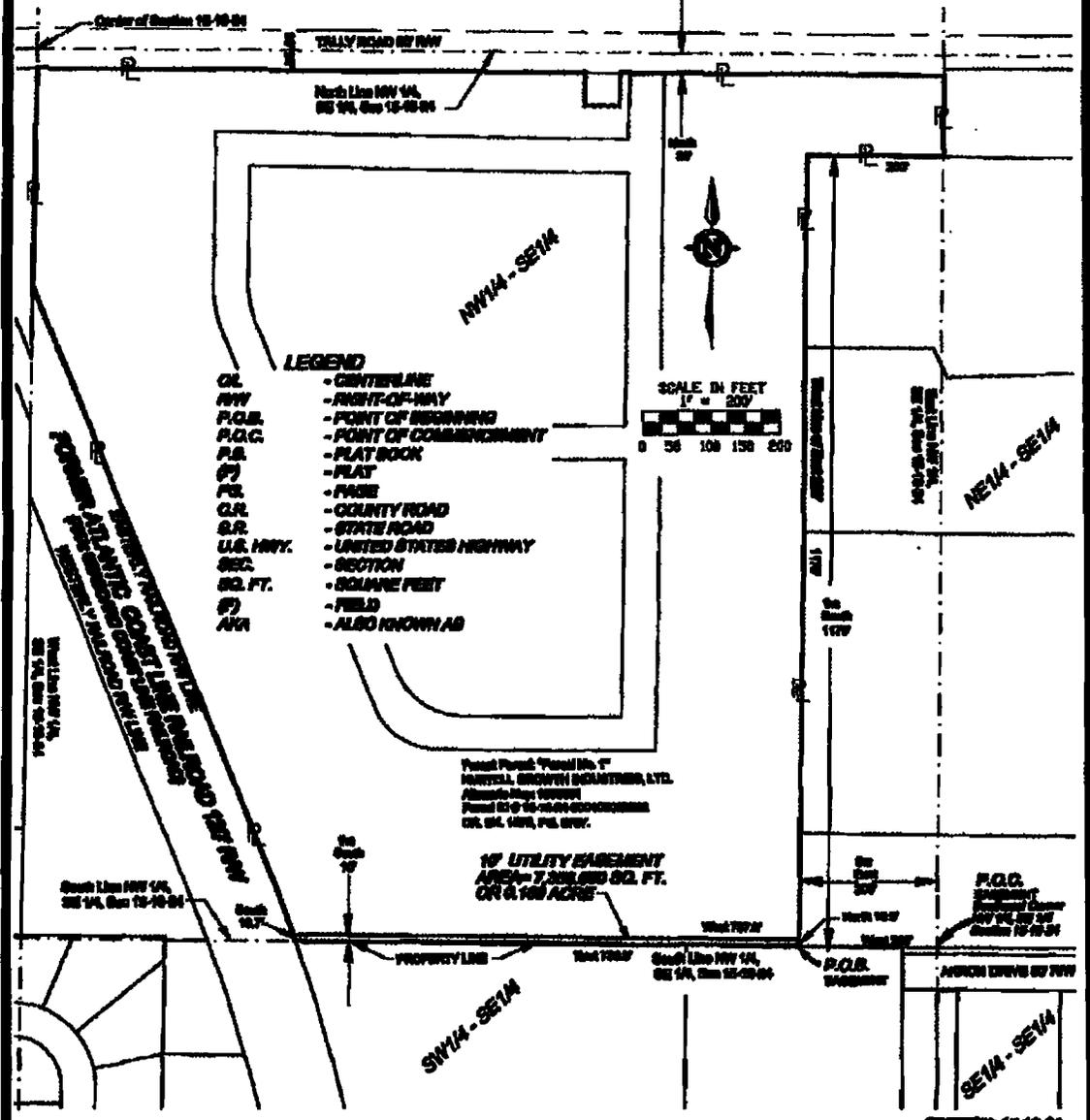
**CITY OF LEEBSBURG**
PUBLIC WORKS DEPT.
ENGINEERING DIVISION
LEEBSBURG
The Lakefront City
1501 W. STATE ST. SUITE 200
LEEBSBURG, FLORIDA 34748
PHONE (888) 728-0370
FAX (888) 728-0370

SKETCH OF DESCRIPTION
10' UTILITY EASEMENT
KURTELL GROWTH INDUSTRIES, LTD.
to the CITY OF LEEBSBURG

DATE:	08/20/10
DRAWN:	DEP
CHECKED:	DEP
APPROVED:	AP
SCALE:	NTE
FILE NO.:	EA1008

SHEET NUMBER	1
OF	2

EXHIBIT "A"



CITY OF LEESBURG
PUBLIC WORKS DEPT.
 ENGINEERING DIVISION
ST. LOUIS, MISSOURI
 PHONE: 352-3400
 FAX: (352) 3400000

SKETCH OF DESCRIPTION
10' UTILITY EASEMENT
KURTELL GROWTH INDUSTRIES, LTD.
to the CITY OF LEESBURG

DATE: 08/20/09
 DRAWN: BDF
 CHECKED: DCF
 APPROVED: AP
 SCALE: 1" = 200'
 FILE NO.: FA1002

SHEET NUMBER
 2
 OF
 2