



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

Utility Easement

CFN 2010082542
Bk 03938 Pgs 1822 - 1826 (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 3rd day of August, 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 Wattles
Gina Wattles
(Type or print name of Witness)

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

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

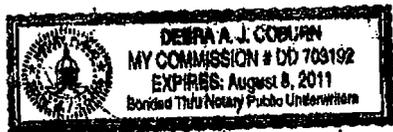
STATE OF FLORIDA
COUNTY OF Indian River

Kurt L. Wallach

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 3rd day of August, 2010, and who was either personally known to me, or who produced _____ as identification.

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

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

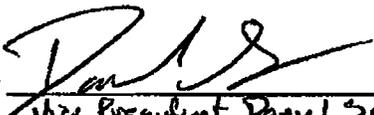


JOINDER & CONSENT OF MORTGAGEE

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.**

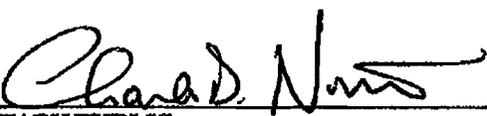
**BY: JPMORGAN CHASE BANK, N.A. AS
TRUSTEE**

BY: 

Vice President Daniel Sang
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 Sang, 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 _____ day of _____, 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 10/13/2010

EXHIBIT "A"

PARENT PARCEL: "PARCEL No. 2" OR. BOOK 1570, PAGE 0767, TO WIT:

THE EAST 300.30 FEET OF THE NORTH 600.22 FEET OF THE SW 1/4 OF THE SE 1/4, LESS THE NORTH 60.00 FEET OF THE EAST 60.00 FEET THEREOF, OF SECTION 15, THE WEST 50 FEET OF THE SOUTH 180 FEET OF THE NORTH 240 FEET OF THE SW 1/4 OF THE SE 1/4 OF SECTION 15; THE SOUTH 90 FEET OF THE NORTH 330 FEET OF THE WEST 105.15 FEET OF THE SE 1/4 OF THE SE 1/4 OF SECTION 15; THE WEST 50 FEET OF THE EAST 623.84 FEET OF THE SOUTH 180 FEET OF THE NORTH 240 FEET OF THE SE 1/4 OF THE SE 1/4 OF SECTION 15; THE WEST 120 FEET OF THE EAST 438.64 FEET OF THE SOUTH 90 FEET OF THE SE 1/4 OF THE SE 1/4 OF SECTION 15; THE SOUTH 125 FEET OF THE NORTH 455 FEET OF THE SE 1/4 OF THE SE 1/4 OF SECTION 15; LESS THE EAST 270 FEET THEREOF, ALL IN TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN THE CITY OF LEESBURG, FLORIDA, LESS AND EXCEPT THAT PART THEREOF LYING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND: FROM THE NORTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 15, RUN SOUTH 00°17' WEST ALONG THE EAST LINE THEREOF 150 FEET; THENCE NORTH 89°46'25" WEST PARALLEL WITH THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 221.2 FEET TO A POINT ON THE WESTERLY LINE OF RIGHT OF WAY OF U.S. HIGHWAY No. 27, 44', SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION. FROM SAID POINT OF BEGINNING RUN SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY, BEING A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1890.08 FEET, A CHORD BEARING OF SOUTH 21°33'30" EAST AND A CENTRAL ANGLE OF 9°08'23" A DISTANCE OF 193.92 FEET TO A POINT THAT IS 330 FEET SOUTH OF THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4, THENCE NORTH 89°46'25" WEST PARALLEL TO THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 200 FEET; THENCE NORTH 21°33'30" WEST PARALLEL TO THE ABOVE-REFERENCED CHORD OF THE CURVE OF SAID RIGHT OF WAY 193.83 FEET; THENCE SOUTH 89°46'25" EAST 200 FEET TO THE POINT OF BEGINNING.

DESCRIPTION : 10' UTILITY EASEMENT

A 10 FOOT WIDE, PERPENDICULAR MEASURE, PARCEL OF LAND LYING SOUTHERLY OF AND CONTIGUOUS WITH THE NORTH LINE OF THE SOUTHWEST QUARTER, (SW 1/4), OF THE SOUTHEAST QUARTER, (SE 1/4), OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN THE CITY OF LEESBURG, FLORIDA, LYING WITHIN THE EAST 300.30 FEET OF THE NORTH 600.22 FEET OF THE SW 1/4 OF THE SE 1/4, LESS THE NORTH 60.00 FEET OF THE EAST 60.00 FEET THEREOF, OF THE ABOVE DESCRIBED PARENT PARCEL.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, (SW 1/4), OF THE SOUTHEAST QUARTER, (SE 1/4), OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN THE CITY OF LEESBURG, FLORIDA, THENCE RUN WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, (SW 1/4), OF THE SOUTHEAST QUARTER, (SE 1/4), OF SECTION 15, A DISTANCE OF 50.00 FEET, TO THE WEST LINE OF THE EAST 50 FEET, OF SAID SOUTHWEST QUARTER, (SW 1/4), OF THE SOUTHEAST QUARTER, (SE 1/4), OF SECTION 15, AND THE POINT OF BEGINNING OF THIS DESCRIPTION, (P.O.B.); THENCE CONTINUE WEST ALONG SAID NORTH LINE A DISTANCE OF 175.00 FEET; THENCE RUN SOUTH, PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER, (SW 1/4), OF THE SOUTHEAST QUARTER, (SE 1/4), OF SECTION 15, A DISTANCE OF 10.00 FEET; THENCE RUN EAST, A DISTANCE OF 185.00 FEET; THENCE RUN SOUTH, A DISTANCE OF 10.00 FEET; THENCE RUN EAST, TO THE ABOVE-MENTIONED WEST LINE OF THE EAST 50 FEET, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH, ALONG SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 1,890,000 SQUARE FEET OR 0.043 ACRE, 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 assigns as these interests may appear. Use of this sketch by any other parties is strictly forbidden.
- 4: Use of this sketch shown on sheet 2 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. Assumptions of correctness 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 Descriptions as described in O R Book 1670, page 0767, Section 15, Township 19 South, Range 24 East, Lake County, Florida.
- 7: This sketch was prepared by the City of Leesburg, Public Works Department, Survey Division, under the direction of Steven C. Davis, Electric Service Planner, for the City of Leesburg.
- 8: This sketch contains 2 sheets in which NONE are valid without all remaining sheets.

SECTION: 15-19-24

 <p>CITY OF LEESBURG PUBLIC WORKS DEPT. ENGINEERING DIVISION 650 S. 14th ST. - P.O. BOX 490630 LEESBURG, FLORIDA 34748 PHONE (352) 728-8785 FAX (352) 728-8678</p>	<p>SKETCH OF DESCRIPTION 10' UTILITY EASEMENT KURTELL GROWTH INDUSTRIES, LTD. to the CITY OF LEESBURG</p>	DATE: 03/30/2010 DRAWN: DDF CHECKED: DDF APPROVED: AP SCALE: NTS FILE NO.: EA10012	SHEET NUMBER 1 OF 2
	SECTION: 15-19-24		

