

07-PE13-09/01

February 7, 2007

This instrument prepared by

KATTIE GIBSON

Under the direction of

GEORGE S. LOVETT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 803.1R

SECTION 11010

F.P. NO. 238394 2

STATE ROAD 500

COUNTY LAKE

PERPETUAL EASEMENT

THIS EASEMENT made this _____ day of _____, _____, by the CITY OF LEESBURG, a municipality of the State of Florida, grantor(s), to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of clearing, excavating, constructing, operating, and maintaining exclusively, a maintenance road, and outfall and drainage ditches and drains, with all such fills, cuts, drains, ditches and other incidents which the grantee may deem necessary or convenient in connection therewith, in, over, under, upon and through the following described land in Lake County, Florida, viz:

PARCEL 803

SECTION 11010

F.P. NO. 238394 2

PART A) Perpetual Drainage and Maintenance Road Easement

That part of Perkins Street, being a portion of those lands as per an Unrecorded Survey by H.O. Peters dated June 1951 and filed with the City of Leesburg, Florida on June 14, 1951 and more particularly described as follows:

Commence at a P.K. Nail & 2" Metal Disc stamped "N.E. Cor Sec. 27 FDOT" located at the Southwest Corner of the Southwest quarter of Section 23, Township 19 South, Range 24 East; thence run North 00°52'03" East, along the West line of said Southwest quarter, a distance of 2648.04 feet to a 80p Nail & Metal Disc stamped "1/4 Sec 22/23" located at the Northwest corner of the Southwest quarter of Section 23, Township 19 South, Range 24 East; thence run South 89°28'04" East, along the North line of said Southwest quarter, a distance of 1324.34 feet to the Northwest corner of Lot No. 8, said N.C. Lee Estate; thence continue South 89°28'04" East, along said North line and the North line of said Lot No. 8, a distance of 199.15 feet to the Southwesterly existing right of way line of State Road 500 (U.S. 441), as shown on Florida Department of Transportation Right of Way Map, Section 11010, F.P. No. 238394-2; thence departing said North line, run South 36°46'24" East, along said Southwesterly existing right of way line, a distance of 452.23 feet to the intersection of said Southwesterly existing right of way line and the Westerly existing right of way line of Perkins Street for a **POINT OF BEGINNING**; thence departing said Westerly existing right of way line, continue South 36°46'24" East, along the Southwesterly existing right of way line, a distance of 159.40 feet to the Easterly existing right of way line of said Perkins Street; thence departing said Southwesterly existing right of way line, run South 53°13'36" West, along said Easterly existing right of way line, a distance of 47.15 feet; thence run South 00°51'48" West, along said Easterly existing right of way line, a distance of 492.51 feet; thence departing said Easterly existing right of way line, run North 88°30'34" West, a distance of 60.00 feet to the aforementioned Westerly existing right of way line; thence run North 00°51'48" East, along said Westerly existing right of way line, a distance of 646.87 feet to the **POINT OF BEGINNING**.

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Containing 0.871 acres, more or less.

AND

PART B) Perpetual Drainage Easement

That part of existing Cherry Street lying East of the existing Easterly right of way line of Perkins Street and Westerly of the Southerly prolongation of the Westerly boundary of Whispering Pines, per Plat Book 12, Page 2, Public Records of Brevard County, Florida as shown on Florida Department of Transportation Right of Way Map, Section 11010, FP No. 238394-2 being described as follows:

Commence at a P.K. Nail & 2" Metal Disc stamped "N.E. Cor Sec. 27 FDOT" located at the Southwest Corner of the Southwest quarter of Section 23, Township 19 South, Range 24 East; thence run North 00°52'03" East, along the West line of said Southwest quarter, a distance of 2648.04 feet to a 80p Nail & Metal Disc stamped "1/4 Sec 22/23" located at the Northwest corner of the Southwest quarter of Section 23, Township 19 South, Range 24 East; thence run South 89°28'04" East, along the North line of said Southwest quarter, a distance of 1324.34 feet to the Northwest corner of Lot No. 8, said N.C. Lee Estate; thence continue South 89°28'04" East, along said North line and the North line of said Lot No. 8, a distance of 199.15 feet to the Southwesterly existing right of way line of State Road 500 (U.S. 441), as shown on Florida Department of Transportation Right of Way Map, Section 11010, F.P. No. 238394-2; thence departing said North line, run South 36°46'24" East, along said Southwesterly existing right of way line, a distance of 452.23 feet to the intersection of said Southwesterly existing right of way line and the Westerly existing right of way line of Perkins Street; thence departing said Westerly existing right of way line, continue South 36°46'24" East, along the Southwesterly existing right of way line, a distance of 159.40 feet to the Easterly existing right of way line of said Perkins Street; thence departing said Southwesterly existing right of way line, run South 53°13'36" West, along said Easterly existing right of way line, a distance of 47.15 feet; thence run South 00°51'48" West, along said Easterly existing right of way line, a distance of 752.93 feet to the Northerly existing right of way line of Cherry Street; thence departing said Easterly existing right of way line, run North 89°14'17" East, a distance of 145.48 feet for a **POINT OF BEGINNING**; thence departing said Cherry Street right of way run South 00°45'43" East a distance of 20.00 feet to the Southerly existing right of way line of said Cherry Street; thence along said Southerly right of way line run North 89°14'17" East a distance of 43.98 feet; thence departing said Southerly right of way line run North 00°45'43" West, a distance of 20.00 feet to the aforesaid Northerly existing right of way line of Cherry Street; thence along said Northerly right of way line run South 89°14'17" West, a distance of 43.98 feet to the **POINT OF BEGINNING**.

Containing 880 square feet, more or less

This legal description prepared under the direction of:
Russell D. Kessler, P.L.S. No. 5115
Florida Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever. Nothing in this Perpetual Easement shall be construed to allow the grantee to make any use of the easement area which is inconsistent with, or would prevent or impede, use thereof as a public street. If, in the course of exercising its rights under this Perpetual Easement, Grantee damages or destroys any paving, utility lines or infrastructure, curbs, gutters or other improvements within the area of the easement, Grantee shall at its sole expense repair and restore all such improvements to substantially the condition they were in prior to being damaged or destroyed by Grantee's activities, and such restoration shall at a minimum comply with the standards prescribed in Grantor's ordinances, rules and policies for the construction of such improvements.

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IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

THE CITY OF LEESBURG

By: _____

Its Mayor

ATTEST: _____

Its City Clerk

ADDRESS OF GRANTOR:

SIGNATURE LINE
PRINT/TYPE NAME: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____, Mayor, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____