

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

CFN 2009097734
Bk 03816 Pgs 1272 - 1278 (7pgs)
DATE: 09/09/2009 12:33:59 PM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 61.00
BEED DOC 0.70

Utility Easement

RESERVED FOR RECORDING

THIS EASEMENT given the 26th day of August, 2009, by W. CORP., whose address is 1009 North 14th Street, Leesburg, FL 34748, 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: W. CORP.

[Signature]
Clay Bryan
(Type or print name of Witness)

BY: [Signature]
ROBERT D. DAVIS, President

[Signature]
Floyd Magwood Sr.
(Type or print name of witness)

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared Robert D. Davis, as President of W. Corp., who acknowledged before me that he executed this instrument on the 26 day of AUGUST, 2009, and who was either personally known to me, or who produced _____ as identification.

[Signature]
NOTARY PUBLIC
EDNA L MAUERMAN
Type or print name of Notary

[Signature]
Commission Number
EDNA L MAUERMAN
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION #DD809209
MY COMMISSION EXPIRES JULY 28, 2012
[Signature]
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 2082, Page 1206, 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.

WAUCHULA STATE BANK

[Signature]
Type or print name and position or title
GARY R. ROBERTS, JR.
Vice-President

STATE OF Florida
COUNTY OF Highlands

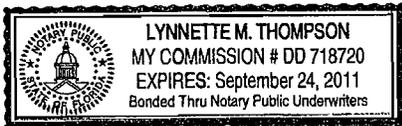
BEFORE ME, the undersigned Notary Public, personally appeared Gary R Roberts Jr, the Vice President of WAUCHULA STATE BANK, who acknowledged before me that (s)he executed this instrument on the 24th day of August, 2009, and who was either personally known to me, or who produced _____ as identification.

Lynette M Thompson
NOTARY PUBLIC

Lynette M Thompson
Type or print name of Notary

DD 718720
Commission Number

9-24-11
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 2613, Page 749, 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.

STATE FARM BANK, F.S.B.

BY: _____

Type or print name and position or title

STATE OF Illinois
COUNTY OF _____

BEFORE ME, the undersigned Notary Public, personally appeared _____, the _____ of WAUCHULA STATE BANK, who acknowledged before me that (s)he executed this instrument on the _____ day of _____, 2009, and who was either personally known to me, or who produced _____ as identification.

NOTARY PUBLIC

Commission Number

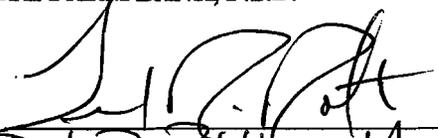
Type or print name of Notary

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 2613, Page 749, 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.

STATE FARM BANK, F.S.B.

BY: 

Ted R. Roth, Manager
Type or print name and position or title

STATE OF Illinois
COUNTY OF McLean

BEFORE ME, the undersigned Notary Public, personally appeared Ted R. Roth
_____, the Manager
of STATE FARM BANK, F.S.B., who acknowledged before me that (s)he executed this instrument on
the 20th day of August, 2009, and who was either personally known to me,
or who produced _____
as identification.

Peggy Trempel
NOTARY PUBLIC
Peggy Trempel
Type or print name of Notary

Commission Number

Commission expiration date

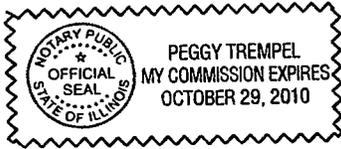


EXHIBIT "A"

PARENT PARCEL: OR. BOOK 2082, PAGE 1204.

THAT PART OF BLOCK 42 AND THAT PART OF CARMEN DRIVE, NOW VACATED, ACCORDING TO THE PLAT OF UNIT NO. 1 ALHAMBRA VILLA, A SUBDIVISION IN THE CITY OF LEEBSBURG, FLORIDA, RECORDED IN PLAT BOOK 9, PAGE 57, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF SAID BLOCK 42 RUN NORTH ALONG THE EAST LINE OF SAID BLOCK 42 A DISTANCE OF 74.88 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. FROM SAID POINT OF BEGINNING, RUN NORTH 89° WEST TO A POINT ON THE CENTER LINE OF SAID CARMEN DRIVE, SAID POINT BEING HEREBY DESIGNATED AS POINT "A". BEGIN AGAIN AT THE POINT OF BEGINNING AND RUN NORTH ALONG THE EAST LINE OF SAID BLOCK 42 A DISTANCE OF 100.12 FEET; THENCE WEST 230 FEET; THENCE SOUTH 33.22 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF CARMEN DRIVE; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE NORTHEASTERLY LINE OF SAID RIGHT OF WAY TO THE CENTER LINE THEREOF; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO THE ABOVE DESIGNATED POINT "A".

DESCRIPTION : 10' UTILITY EASEMENT

A 10.00 FOOT WIDE, PERPENDICULAR MEASURED, PARCEL OF LAND LYING WESTERLY OF AND CONTIGUOUS WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 27, LOCALLY KNOWN AS 14th STREET AND HALVING A RIGHT OF WAY WIDTH OF 80 FEET, AS DESCRIBED IN DOT RIGHT OF WAY MAP, SECTION 11010 F. P. NO. 238394 2 PAGE 3 THRU PAGE 8, DATED 10-13-2004; LOCATED IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, ALL LYING WITHIN THE LANDS BEING DESCRIBED IN OFFICIAL RECORD BOOK 2082, PAGE 1204 THRU PAGE 1205, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

THE ABOVE DESCRIBED EASEMENT CONTAINS 1,050.840 SQUARE FEET OR 0.024 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 assignee as their 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. Assumption of correctness outside of said site boundary is the liability of the user.
- 6: The Bearings, shown hereon, are relative to assumed datum and are based on the State of Florida Department of Transportation Right of Way map Section 11010, F. P. ID. 238394 2 pages 3 thru 8, dated 10-13-2004. Legal Descriptions as described in O R Book 2082, pages 1204 thru 1205, section 22, 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 Engineer, for the City of Leesburg.
- 8: This sketch contains 2 sheets in which NONE are valid without all remaining sheets.

SECTION: 22-19-24

 CITY OF LEEBSBURG PUBLIC WORKS DEPT. ENGINEERING DIVISION 560 S. 14th ST. - P.O. BOX 490630 LEEBSBURG, FLORIDA 34749 PHONE (352) 728-9755 FAX (352) 728-9758	SKETCH OF DESCRIPTION 10' UTILITY EASEMENT W. CORP., INC., to the CITY OF LEEBSBURG	DATE: <u>08/13/2009</u>	SHEET
		DRAWN: <u>DDF</u>	NUMBER
		CHECKED: <u>DDF</u>	1
		APPROVED: <u>AP</u>	OF
		SCALE: <u>NTS</u>	2
		FILE NO.: <u>EA08008U</u>	

The quality of this image is equivalent to the quality of the original document.

