

RETURN 

THIS INSTRUMENT PREPARED BY & RETURN TO:
Fred A. Morrison
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CFN 2010085648
Bk 03941 Pgs 1687 - 1690 (4pgs)
DATE: 08/25/2010 09:04:34 AM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 35.50
DEED DOC 0.70

Utility Easement

RESERVED FOR RECORDING

THIS EASEMENT given the 18th day of August, 2010, by H. BENNETT WALLING, UNMARRIED, whose address is P.O. Box 490139, Leesburg, FL 34749, 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:

"UTILITY EASEMENT" 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.

{SIGNATURE APPEARS ON FOLLOWING PAGE}

CL3484

WITNESSES (two required)

GRANTOR:

Priscilla Dutton Haver
Priscilla Dutton Haver
(Type or print name of Witness)

H. Bennett Walling
H. BENNETT WALLING

Michelle Girard Smith
Michelle Girard Smith
(Type or print name of witness)

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared H. Bennett Walling, who acknowledged before me that he executed this instrument on the 18th day of August, 2010, and who was either personally known to me, or who produced _____ as identification.

Michelle H. Girard Smith
NOTARY PUBLIC
Michelle H. Girard Smith
Type or print name of Notary

DD956596
Commission Number
2-18-2014
Commission expiration date



MICHELLE H. GIRARD SMITH
MY COMMISSION # DD 956596
EXPIRES: February 18, 2014
Bonded Thru Budget Notary Services

EXHIBIT "A"
LEGAL DESCRIPTION AND SKETCH

UTILITY EASEMENT:

A UTILITY EASEMENT LYING OVER, UPON AND THROUGH THE FOLLOWING DESCRIBED PARCEL OF LAND: THAT PART OF LOT 23, ACCORDING TO THE PLAT OF MARY K. AND T.S. JOHNSON SUBDIVISION, A SUBDIVISION ACCORDING TO THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 7, IN THE PUBLIC RECORDS OF LAKE COUNTY FLORIDA BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD (NOW ABANDONED) WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 25 EAST IN LAKE COUNTY, FLORIDA, AND RUN S.84°15'38"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD (NOW ABANDONED), A DISTANCE OF 1332.88 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED LOT 23 OF MARY K. AND T.S. JOHNSON SUBDIVISION; THENCE S.0°05'07"E. ALONG THE EAST LINE OF SAID LOT 23, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN N.84°15'38"W., 40.21 FEET; THENCE N.0°05'07"W., 12.06 FEET; THENCE N.84°15'38"W., 174.89 FEET; THENCE S.72°46'00"W., 144.90 FEET; THENCE N.0°00'00"E., 66.89 FEET; THENCE S.84°15'38"E., 354.18 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED LOT 23 OF MARY K. AND T.S. JOHNSON SUBDIVISION; THENCE S.0°05'07"E. ALONG THE EAST LINE OF LOT 23, A DISTANCE OF 22.11 FEET TO THE POINT OF BEGINNING.