

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM EMBARQ FLORIDA, INC., AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 23, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

The City of Leesburg, Florida, does hereby accept from Embarq Florida, Inc., a Florida corporation, a Utility Easement dated May 1, 2006, and recorded in Official Records Book 3163, Page 2403, Public Records of Lake County, Florida, conveying certain real property located in Section 23, Township 19 South, Range 24 East, Lake County, Florida, and more particularly described in said Utility Easement, to the City of Leesburg.

Section 2.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 3.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2006.

THE CITY OF LEESBURG

By: _____
Mayor

ATTEST:

City Clerk

THIS INSTRUMENT PREPARED BY:
John Hopkins, FLAPKA0305
Embarq Florida, Inc.
P.O. Box 165000
Altamonte Springs, Florida 32716-5000

CFN 2006076488
Bk 03163 Pgs 2403 - 2406; (4pgs)
DATE: 05/18/2006 07:48:01 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 35.50
DEED DOC 0.70

Utility Easement

(RESERVED FOR RECORDING)

RETURN TO
FRED A. MORRISON
P.O. BOX 491357
LEESBURG FL 34749-1357

THIS UTILITY EASEMENT (EASEMENT) given the 1st day of May, 2006, by Embarq Florida, Inc., a Florida corporation, whose address is 6391 Sprint Parkway, Overland Park, KS 66251-2040, 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:

SEE ATTACHED EXHIBIT "A"

for the purpose of construction, installation, repair, maintenance, replacement and improvement of underground electrical utilities. Grantor retains the right to use the area of the Easement but shall make no use thereof which would conflict with the uses to which Grantee now or hereafter lawfully puts the easement under the terms of this instrument. 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 activities of Grantee which caused the damage. Grantee is also given an easement to cross the adjoining real property owned by Grantor, for the purpose of conducting any activities permitted by this Easement within the area described herein, provided that such right of passage shall not interfere substantially with Grantor's use and enjoyment 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.

WITNESSES (two required)

[Signature]
JOHN HOPKINS
(Type or print name of witness)

[Signature]
STEPHEN HARMATUCK
(type or print name of witness)

GRANTOR:

Embarq Florida, Inc.

By [Signature]
JAMES R. LORMANN
Type or print name
REAL ESTATE MANAGER
Title

STATE OF FLORIDA

COUNTY OF ORANGE

BEFORE ME, the undersigned Notary Public, personally appeared JAMES R. LORMANN, who acknowledged before me that he executed this instrument on the 28 day of APRIL, 2006, and who were either X personally known to me, or who _____ produced _____ as identification.

[Signature]
NOTARY PUBLIC
Type or print name of Notary

Commission Number

Commission expiration date

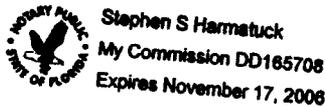


EXHIBIT "A"

DESCRIPTION:

All that portion of land lying in Section 23, Township 19 South, Range 24 East, Lake County, Florida being more particularly described as follows;

The West 10.00 feet of the East 40.00 feet lying Westerly of and contiguous with the Centerline of Third Street as shown on the plat of Modern Homes Development, as recorded in Plat Book 11, Page 13 of the Official Records of Lake County, Florida; bounded on the North by the South right of way line of Webster Avenue as shown on said plat of Modern Homes Development; bounded on the South by the North line of lands described in Official Records Book 2137, Page 1810 of said Public Records.

The above described parcel lies in the City of Leesburg, Florida and contains 5,044 square feet, more or less.

AND:

The West 10.00 feet of Lot 16, as shown on the plat of Modern Homes Development, as recorded in Plat Book 11, Page 13 of the Official Records of Lake County, Florida, lying North of the existing generator building being described as:

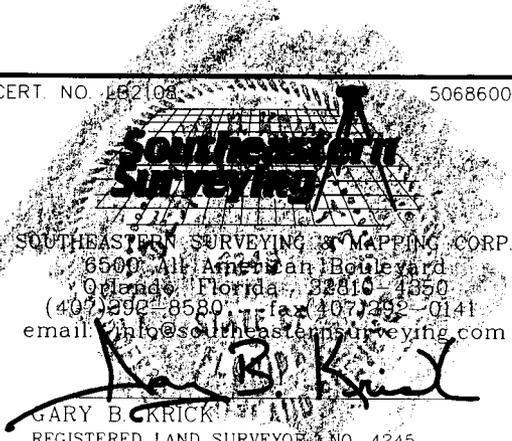
The North 78.00 feet of the West 10.00 feet of said Lot 16.

The above described parcel lies in the City of Leesburg, Florida and contains 100 square feet, more or less.

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

SURVEYOR'S REPORT

1. Bearings are not shown hereon. Distances shown hereon are in feet and decimals thereof.
 2. This Sketch of Description was performed without benefit of an abstract, title search, title opinion or title insurance. A title search may reveal additional information affecting the parcel as shown.
 3. I hereby certify that this Sketch of Description of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
 4. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- NOTICE: This Sketch of Description is certified to those individuals as shown on the face thereof. Any other use, benefit or reliance by any other party is strictly prohibited and restricted. Surveyor is responsible only to those certified and hereby disclaims any other liability and hereby restricts rights of any other individual of firm to use this Sketch of Description, without express written consent of the surveyor.

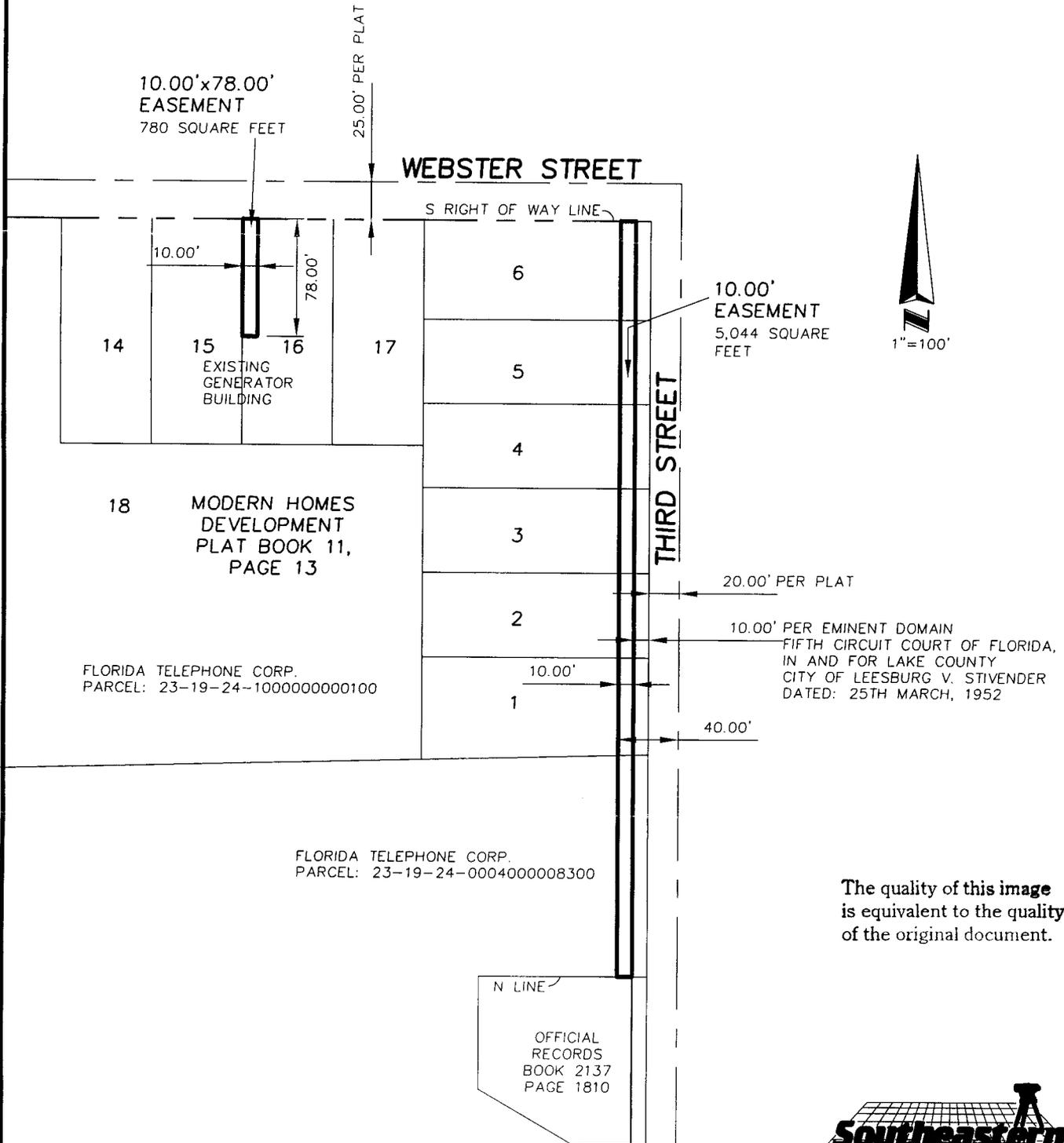
DESCRIPTION FOR CITY OF LEESBURG	Date: 9/12/05 DCS		CERT. NO. LB2106 50686001
	Job No.: 50686	Scale: NONE	 <p>SOUTHEASTERN SURVEYING & MAPPING CORP. 8500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8580 -- fax (407) 292-0141 email: info@southeasternsurveying.com</p> <p>GARY B. KRICK REGISTERED LAND SURVEYOR, No. 4245</p>
	CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH			

Revised 3/21/06

EA 05009

EXHIBIT "A"

SKETCH OF DESCRIPTION



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



Drawing No. 49557001
Job No. 49557
Date: 9/12/05
Revised: 3/21/06
See Sheet 1 for Description
SHEET 2 OF 2

SOUTHEASTERN SURVEYING & MAPPING CORP.
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
Cert. No. LB-2108
email: info@southeasternsurveying.com