

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

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DATE: 05/01/2007 03:22:05 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 35.50
DEED DOC 0.70

Utility Easement

(RESERVED FOR RECORDING)

THIS EASEMENT given the ~~April~~ 11th day of April, 2007, by JO ELLEN RODRIGUE, JOINED BY HER HUSBAND, WHITNEY J. RODRIGUE, whose address is 3601 Trout Avenue, Fruitland Park, Florida 34731-6320, 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:

A 7.5 foot wide utility easement along the Easterly boundary of the following described real property, measured perpendicular to said Westerly boundary along its entire length:

Lot 79. VALENCIA TERRACE, according to the plat thereof recorded in Plat Book 20, Pages 11 and 12, Public Records of Lake County, Florida.

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 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 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.

WITNESSES (two required)

GRANTOR:

Pamela I. Robinson
Pamela I. Robinson
(Type or print name of Witness)

Jo Ellen Rodrigue
JO ELLEN RODRIGUE

Maria T. Roman
Maria T. Roman
(Type or print name of witness)

Whitney J. Rodrigue
WHITNEY J. RODRIGUE

STATE OF FLORIDA
COUNTY OF Lake

BEFORE ME, the undersigned Notary Public, personally appeared JO ELLEN RODRIGUE and WHITNEY J. RODRIGUE, her husband, who acknowledged before me that they executed this instrument on the 11 day of April, 2007, and who were either personally known to me, or who produced J.I. as identification.

Kellie Wages
NOTARY PUBLIC
Kellie Wages
Type or print name of Notary


Commission Number _____
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 883, Page 1881, and re-recorded in Official Records Book 893, Page 875, 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.

COLONY FIRST MORTGAGE
CORPORATION

BY: _____
Type or print name and position or title

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned Notary Public, personally appeared _____, the _____ of COLONY FIRST MORTGAGE CORPORATION, who acknowledged before me that (s)he executed this instrument on the _____ day of _____, 2007, 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 1741, Page 2243, 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.

BANK OF AMERICA, N.A.

BY: _____

Type or print name and position or title

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned Notary Public, personally appeared _____
_____, the _____
of BANK OF AMERICA, N.A., who acknowledged before me that (s)he executed this instrument on the
_____ day of _____, 2007, 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