

07-PE13-09/01

December 9, 2013

This instrument prepared by

PAT VOLZ

Under the direction of

CLIFFORD R. SAULTER, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 801.1R

SECTION 75002-2524

F.P. NO.

STATE ROAD 482

COUNTY Orange

### PERPETUAL EASEMENT

THIS EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the CITY OF ORLANDO, a municipality of the State of Florida and Orlando Utilities Commission, a Statutory Commission of the City of Orlando, collectively referred to as 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 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 Orange County, Florida, viz:

A strip of land being a portion of Lots 7 and 8, Plan of Block D, Prosper Colony, being in Section 35, Township 23 South, Range 29 East, as recorded in Plat Book D, Page 100 of the Public Records of Orange County, Florida. Being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest 1/4 of Section 35, Township 23 South, Range 29 East, Orange County, Florida; thence South 89°52'54" West, along the North line of said Northwest 1/4, a distance of 14.39 feet to a point of intersection with the Northerly extension of the East line of said Lot 8; thence South 00°47'37" West, along said line, a distance of 50.01 feet to the point of intersection with the South right-of-way line of State Road 482 (Sand Lake Road) as shown on the Florida Department of Transportation Right of Way Map for Section: 75002-2524, WPI: 5114133 filed in the Surveying & Mapping unit of the Florida Department of Transportation, District Five Office, DeLand, Florida and the East line of said Lot 8; thence South 89°52'54" West along said South right-of-way line, 55.66 feet to the POINT OF BEGINNING; thence, departing said right-of-way line, South 45°02'16" East a distance of 14.12 feet; thence South 89°52'54" West, along a line that is parallel with the South right-of-way line of State Road 482 (Sand Lake Road)

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a distance of 308.42 feet; thence North 00°47'37" East a distance of 10.00 feet to a point on said South right-of-way line of State Road 482 (Sand Lake Road); thence North 89°52'54" East, along said South right-of-way line, a distance of 298.29 feet to the POINT OF BEGINNING.

Contains 3,034 square feet, more or less.

This legal description prepared under the direction of:  
Billy Joe Jenkins, Jr., Professional Surveyor and Mapper, Florida license number 5205  
Benchmark Surveying & Mapping, LLC – LB # 7874  
Post Office Box 771065, Winter Garden, Florida 34777-1065  
March 27, 2013

THE PARTIES hereto acknowledge and agree that the State of Florida, Department of Transportation, has preexisting natural drainage rights to drain to Grantor's property. The purpose of this grant of a drainage easement is to confirm Grantee's right to drain into Grantor's drainage system and thereby channelize the pre-existing natural drainage in order that Grantor may maximize its use of its property. Nothing herein shall be construed to eliminate those pre-existing natural drainage rights. Grantee will continue to have all pre-existing rights related to maintaining Grantee's drainage easement if needed so as to assure the continued purpose of the easement. In the event of a failure or other interference or cessation of use of Grantor's drainage system, Grantor will make adequate provision for the acceptance of Grantee's drainage, failing which, the State of Florida, Department of Transportation shall have the right to reestablish the natural drainage flow onto Grantor's property consistent with Grantee's continuing natural drainage rights.

GRANTOR SHALL at all times be solely responsible for adequately maintaining the drainage system constructed on the Property and the easement area at Grantor's sole cost and expense so as to assure its continued functioning as planned. In the event that Grantor fails to adequately perform such maintenance, Grantee may, but is not obligated to, enter the Property to perform such maintenance, in which event Grantee shall be entitled to charge the cost of such maintenance to Grantor.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

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.

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

\_\_\_\_\_  
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.

THE CITY OF ORLANDO

By: \_\_\_\_\_

Its Mayor

ATTEST: \_\_\_\_\_

Its City Clerk

ADDRESS OF GRANTOR:

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

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Signed, Sealed and delivered  
in the presence of:

[Signature]  
(sign)  
PRINT NAME: Richard H. Parker Jr

[Signature]  
(sign)  
PRINT NAME: Joseph T. Bowers

(COMMISSION SEAL)

ORLANDO UTILITIES COMMISSION

[Signature]  
BY  
KENNETH P. KSIONEK  
General Manager & CEO

[Signature]  
Attest:  
ELIZABETH M. MASON  
Assistant Secretary

STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared KENNETH P. KSIONEK and ELIZABETH M. MASON respectively, General Manager & CEO and Assistant Secretary of the ORLANDO UTILITIES COMMISSION, a statutory commission under the laws of the State of Florida, to me known to be the individuals and officers described in and who executed the foregoing instrument on behalf of said ORLANDO UTILITIES COMMISSION, and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized, and that the official seal of ORLANDO UTILITIES COMMISSION is duly affixed thereto and the instrument is the act and deed of said Commission.

WITNESS my hand and official seal in the county and state last aforesaid this 13<sup>th</sup> day of January, 2014.



[Signature]  
Notary Public (sign)  
Print Name: Marlene Mendoza  
State of Florida  
My Commission Expires: 1-10-17

Approved by OUC as to Form

[Signature]  
Attorney