

## **RESOLUTION 21-**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A TRANSPORTATION EASEMENT LOCATED WITHIN A PORTION OF GAINESVILLE REGIONAL UTILITIES OWNED RIGHT-OF-WAY AT NE AND NW 53<sup>RD</sup> AVENUE; AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE THE ACQUISITION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Alachua County has determined the need to resurface NE and NW 53<sup>rd</sup> Avenue and upgrade the drainage along the road; and

**WHEREAS**, the owner of the affected property has agreed to donate a perpetual, non-exclusive Transportation Easement to the County in order to complete the resurfacing and drainage project on NE and NW 53<sup>rd</sup> Avenue; and

**WHEREAS**, the Board of County Commissioners of Alachua County ("Board") finds the Transportation Easement is necessary in order to complete the upgrades to the road; and

**WHEREAS**, the Board also finds that accepting the conveyance of the Transportation Easement from the property owner is in the public interest because the Transportation Easement is necessary for the County to accept, operate and maintain the upgrades to the road.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;**

1. The Board finds, determines, and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.

2. The Board hereby accepts the conveyance of the Transportation Easement attached hereto as **Exhibit A**.

3. The Chairman and the Clerk of the Board are authorized to execute the Transportation Easement for the purpose of indicating the County's acceptance of same, and any other documents approved by the County Attorney needed to complete this conveyance.

4. This resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2021.

**BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Ken Cornell, Chair

**ATTEST:**

\_\_\_\_\_  
J. K. "Jess" Irby, Esq., Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
Alachua County Attorney's Office

This Instrument Prepared By:  
Ann Mullins, Land Rights Coordinator  
Real Estate Division  
Gainesville Regional Utilities  
P.O. Box 147117, Sta. A130  
Gainesville, FL 32614-7117

A portion of GRU R/W North of NW & NE 53<sup>rd</sup> Avenue  
Section 14 and 15, Township 9 South, Range 20 East  
GRU File No. U-RW-3-21

Page 1 of 4

**PERPETUAL TRANSPORTATION EASEMENT**

THIS EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by CITY OF GAINESVILLE, Florida, d/b/a Gainesville Regional Utilities (GRU), a municipal corporation, whose post office address is P.O. Box 147117, Sta. A130, Gainesville, Florida 32614-7117, GRANTOR, to ALACHUA COUNTY, a political subdivision of the State of Florida, whose post office address is 5620 NW 120 Lane, Gainesville, Florida 32653, GRANTEE,

**WITNESSETH:**

That the said GRANTOR, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration to it in hand paid by GRANTEE, receipt of which is hereby acknowledged, has given and granted, and by these presents does give and grant unto the GRANTEE, its successors and assigns, a perpetual easement for transportation purposes over, under, upon and through the following described property in Alachua County, Florida, to wit:

AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This easement is subject to the following terms and conditions:

1. Grantee by execution, acceptance and recording of this easement hereby agrees that the utilization of this easement area for transportation purposes shall not be inconsistent with the safe and efficient operation and maintenance of the State of Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.
2. Grantor, as a municipal corporation, and Grantee, as a political subdivision of the State of Florida, respectively agree to be fully responsible for the negligent acts or omissions of their officers, employees and agents. Nothing herein shall be construed as consent by either party to be sued by third parties in any matter arising out of this easement or construed as a waiver of sovereign immunity, the limits of liability, or other provisions of Section 768.28, Florida Statutes.
3. GRANTEE shall not adversely impact drainage patterns or pre-existing improvements. GRANTEE shall be solely responsible for the permitting, design, construction, operation and maintenance required for the management and storage of surface waters associated with post development runoff created as a result of any improvements, in accordance with all applicable federal, state or local laws, codes or ordinances.
4. Grantor reserves the right to locate utility facilities over, under, through and along said easement area with the right to maintain, enlarge, and extend the same without the payment of any fees (including, but not limited to permit inspection fees) or charges to Grantee.

5. GRANTEE shall not construct or install any buildings, structures or obstacles within the easement area other than the roadway and public utilities. Any associated lighting will require the express prior consent of GRANTOR.
6. GRANTEE shall not plant any trees within the easement area and shall be solely responsible for perpetual maintenance of roadway and any other landscaping, facilities, appurtenances granted under this easement. Vegetation shall not exceed eight (8) feet in height.
7. Subject to any and all permits, easements and restrictions of record, if any.

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

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have caused this instrument to be executed on the day and year first above written.

*Signed, sealed and delivered  
in the presence of:*

**CITY OF GAINESVILLE, FLORIDA, d/b/a  
Gainesville Regional Utilities, a municipal  
corporation**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

BY: \_\_\_\_\_  
Edward J. Bielarski, Jr.  
General Manager for Utilities

STATE OF FLORIDA  
COUNTY OF ALACHUA

I, \_\_\_\_\_, a Notary Public, do hereby certify the foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by Edward J. Bielarski, Jr., General Manager for Utilities, of the City of Gainesville, Florida, d/b/a Gainesville Regional Utilities, a municipal corporation, who is personally known to me and duly sworn, acknowledged that as such officer, and pursuant to authority from said corporation, he executed the foregoing instrument all for and on behalf of said corporation, as its act and deed, and for the uses and purposes set forth and contained in said instrument.

\_\_\_\_\_  
Notary Public, State of Florida  
Commission No. and Expiration:

Approved as to Form and Legality

By: \_\_\_\_\_  
Lisa Bennett  
Senior Assistant City Attorney  
City of Gainesville, Florida

Perpetual Transportation Easement  
to Alachua County  
GRU File No. U-RW-3-21  
Page 3 of 4

THE GRANTEE HEREBY ACCEPTS THE TERMS AND CONDITIONS SET FORTH AND CONTAINED HEREIN  
AND HAS CAUSED THESE PRESENTS TO BE EXECUTED IN ITS NAME BY ITS BOARD OF COUNTY  
COMMISSIONERS ACTION BY THE CHAIRMAN OF SAID BOARD, ON THE DAY AND YEAR FIRST ABOVE-  
WRITTEN.

*Signed, sealed and delivered  
in the presence of:*

**ALACHUA COUNTY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Ken Cornell, Chair  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
J. K. "Jess" Irby  
Clerk of the Circuit Court

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney

**EXHIBIT "A"**



## ***Alachua County Public Works Department***

**Public Works**  
**Ramon D. Gavarrete, P.E.**  
**Public Works Director**  
[rgavarrete@alachuacounty.us](mailto:rgavarrete@alachuacounty.us)  
Tel: (352) 374-5245  
Fax: (352) 337-6243

**Fleet Management**  
**Gerald D. Bailey**  
**Fleet Manager**  
[gbailey@alachuacounty.us](mailto:gbailey@alachuacounty.us)  
Tel: (386) 462-1975  
Fax: (386) 418-0331

**Solid Waste and  
Resource Recovery**  
Tel: (352) 374-5213  
Fax: (352) 337-6244

**Administration**  
**Kenneth Fair, CPA, CGFO**  
**Sr. Administrative Support Manager**  
[kfair@alachuacounty.us](mailto:kfair@alachuacounty.us)  
Tel: (352) 374-5245  
Fax: (352) 337-6244

February 3, 2021  
Alachua County Public Works  
Project #918-7908 & #919-7907  
NE/NW 53<sup>rd</sup> Street

### LEGAL DESCRIPTION – TRANSPORTATION EASEMENT

A PARCEL OF LAND LYING AND BEING IN SECTIONS 14 AND 15,  
TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA,  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 2 FEET OF THE SOUTH 62 FEET OF SAID SECTION 15 AND  
THE NORTH 2 FEET OF THE SOUTH 62 FEET OF SAID SECTION 14, LYING  
WEST OF THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 225.

CONTAINING 0.41 ACRES, MORE OR LESS.

I hereby certify to the best of my knowledge and belief that this legal description is true, accurate, and was prepared under my direction. I further certify that said legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Charlie R. Brecken  
County Surveyor, PSM 6763  
Alachua County Public Works  
5620 NW 120 Lane  
Gainesville, Florida 32653