

RESOLUTION 20-

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AN EMERGENCY SERVICE ACCESS EASEMENT LOCATED AT TARA GREENS AS RECORDED IN PLAT BOOK 36, PAGES 58 AND 59 OF THE PUBLIC RECORD OF ALACHUA COUNTY, FLORIDA; AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE THE ACCEPTANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Side Quail Farm, LLC (the "Property Owner") filed an application for final development plan approval of Thornton Place Planned Development - Tara Greens located in the 137 – 140 block of NW 8th Lane (the "Property"); and

WHEREAS, the application was approved by the Alachua County Development Review Committee on July 18, 2019; and

WHEREAS, at the time of final development plan approval, the County and Property Owner determined that it is in the best interest of the citizens of Alachua County for the Property Owner to provide an Emergency Service Access Easement for the Site and for future access to Tara Greens Phase 2; and

WHEREAS, West Side Quail Farm, LLC conveyed the Property to Tara Philly, LLC by Warranty Deed on August 15th, 2019 as recorded in O.R. Book 4710, Page 892 of the public records of Alachua County, Florida; and

WHEREAS, Tara Philly, LLC conveyed the Property to Tara Greens Homeowners Association, Inc. by Quit Claim Deed on January 24, 2020 as recorded in O.R. Book 4749, Page 1213 of the public records of Alachua County, Florida; and

WHEREAS, the Board finds that accepting the conveyance of the Emergency Service Access Easement from the Property Owner is in the public interest because said Access Easement is necessary for the County to provide services to the neighborhood.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;

1. The Board hereby accepts the conveyance of the Emergency Service Access Easement attached hereto as **Exhibit A**, without maintenance responsibility.

2. The Chairman and the Clerk of the Board are authorized to execute the Emergency Service Access 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.

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

DULY ADOPTED in regular session, this _____ day of _____, A.D., 2020.

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

By: _____
Robert Hutchinson, Chair

ATTEST:

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

APPROVED AS TO FORM

Alachua County Attorney's Office

This instrument prepared by:
Charlie Brecken, PSM
Public Works Department
5620 NW 120 Lane
Gainesville, FL 32653

Exhibit A

Portion of Plat Book 36, Pages 58 and 59
ALACHUA COUNTY, FLORIDA

EMERGENCY SERVICE ACCESS EASEMENT

THIS EASEMENT, made this _____ day of _____, 2020, between **TARA GREENS HOMEOWNERS' ASSOCIATION, INC.**, a Florida not for profit corporation, whose mailing address is 7717 NW 20th Lane, Gainesville, Florida 32605 (hereinafter referred to as "Grantor"), and **ALACHUA COUNTY**, a political subdivision of the state of Florida, by and through its BOARD OF COUNTY COMMISSIONERS, whose mailing address is c/o Alachua County Public Works Department, 5620 NW 120th Lane, Gainesville, Florida, 32653, (hereinafter referred to as "Grantee").

WITNESSETH:

Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable considerations as outlined below, receipt of which is hereby acknowledged, and by these presents, does hereby give and grant unto the Grantee, its licensees, agents, successors and assigns a non-exclusive Emergency Service Access Easement ("Easement") for the purpose of permitting emergency and service vehicles access without responsibility for maintenance over, across and through the following described property, to-wit:

A Parcel of land being more particularly described in **Exhibit "A"**, as attached hereto and by reference made a part hereof (the "Easement Area")

Subject to all previously recorded easements, restrictions, encroachments and rights-of-way.

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

This grant of easement does not preclude the Grantor, its successors or assigns, from using the above described property in any way which is compatible with the rights granted to the Grantee by this Easement. The Grantee, however, will not be responsible for any damages to the Grantor's use resulting from the exercise of the Grantee's rights under this Easement.

1. The Grantor shall continue to be responsible for maintaining the Easement.
2. The Grantor covenants not to interfere with the Grantee's activities within this Easement, and further covenants to indemnify and hold Grantee harmless from any and all damages and injuries, whether to person or property, resulting from interference with Grantee's activities in said Easement Area by the Grantor or the Grantor's agents or employees.
3. The Grantor or its successors or assigns shall have the right, at any time, to convey the fee simple title to their property, subject to this Easement and any other easements heretofore and hereinafter granted.
4. Each party shall be solely responsible for the negligent or wrongful acts of their employees and agents, which relate to, or arise out of this Easement, or for the use of the Easement Area. This Easement shall not be construed as a waiver of the Grantee's sovereign immunity, the limits of liability, or other provisions of

§768.28, Florida Statutes, and Grantee's liability hereunder shall be interpreted as limited to only such traditional liabilities for which the Grantee could be liable under the common law interpreting the limited waiver of sovereign immunity. Any claims against the Grantee must comply with the procedures found in §786.28, Florida Statutes.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed the day and year aforesaid.

Signed, sealed and delivered
In the presence of:

Jesse T King
Witness
JESSE T KING

Print Name

Qiang Wang
Witness
Qiang Wang
Print Name

GRANTOR:

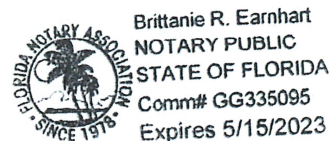
Tara Greens Homeowners' Association, Inc.
a Florida not for profit corporation

BY: Sayed Moukhtara
Its: President

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
___ online notarization this 3 day of September, 2020, by **Sayed Moukhtara**,
as President of **Tara Greens Homeowners' Association, Inc.** who is ☐ personally known to me
or who have ☒ produced License as identification.

Brittanie R. Earnhart
Notary Public
Print name Brittanie Earnhart
Commission No: GG335095
Commission Expires: 5/15/23



At a meeting on the ___ day of _____, 2020,
the Board of County Commissioners authorized the
acceptance of this instrument of conveyance and
authorized the Chair to execute this acceptance.

Robert Hutchinson, CHAIR
ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

Executed on this ___ day of _____, 2020,

ATTEST:

J. K. "JESS" IRBY, ESQ., CLERK

APPROVED AS TO FORM:

Alachua County Attorney's Office

Legal Description
20 Foot Wide Ingress and Egress Easement
Portion of Plat Book 36, Pages 58-59
Public Records of Alachua County, Florida

A 20 foot wide strip of land lying in Section 34, Township 9 South, Range 18 East, Alachua County, Florida inside the Arredondo Grant being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 68, as shown on TARA GREENS, according to the plat thereof as recorded in Plat Book 36, Pages 58 through 59 of the Public Records of Alachua County, Florida, said point being on the North right-of-way line of N.W. 9th Avenue as shown on said plat and on the arc of a curve concave Southerly whose radius point bears South 02 degrees 14 minutes 23 seconds East; thence Westerly on the arc of said curve having a radius of 160.00 feet, through a central angle of 07 degrees 11 minutes 55 seconds, an arc distance of 20.10 feet to a point of non-tangency, thence North 00 degrees 26 minutes 56 seconds West, a distance of 121.97 feet to a point on the North line of the South 332.5 feet of Section 34 Township 9 South, Range 18 East as shown on said plat; thence North 89 degrees 33 minutes 04 seconds East on said North line, a distance of 20.00 feet to a point on the Northerly projection of the West line of said Lot 68; thence South 00 degrees 26 minutes 56 seconds East on said Northerly projection and said West line, a distance of 120.08 feet to said Southwest corner and the POINT OF BEGINNING.

Said strip of land containing an area of 2,416 square feet more or less.

NORTH LINE OF THE SOUTH 332.5' OF
SECTION 34-9-18
(P.B. 36, Pgs. 58-59)

N 89°33'04" E
20.00'

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF TARA GREENS AS RECORDED IN PLAT BOOK 36, PAGE 59 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
2. THIS SKETCH IS INTENDED TO ACCOMPANY A LEGAL DESCRIPTION FOR THE PARCEL OF LAND SHOWN HEREON AND IS NOT VALID WITHOUT SAID LEGAL DESCRIPTION.
3. IMPROVEMENTS, IF ANY WITHIN THE LIMITS OF THE EASEMENT SHOWN HEREON WERE NOT FIELD LOCATED.

OPEN SPACE No. 1
(P.B. 36, Pgs. 58-59)

LEGEND:

No.	=	NUMBER
L	=	ARC DISTANCE
P.B.	=	PLAT BOOK
Pgs.	=	PAGES
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
PUE	=	PUBLIC UTILITIES EASEMENT
R	=	RADIUS
R/W	=	RIGHT-OF-WAY
SQ. FT.	=	SQUARE FEET
Δ	=	CENTRAL ANGLE
+/-	=	MORE OR LESS
SECTION 34-9-18	=	SECTION 34 TOWNSHIP 9 SOUTH RANGE 18 SOUTH

N 00°26'56" W 121.97'

INGRESS AND EGRESS EASEMENT
AREA=2,416 SQ. FT. +/-

S 00°26'56" E 120.08'

WEST LINE OF LOT 68
(P.B. 36, Pgs. 58-59)

LOT 68
(P.B. 36, Pgs. 58-59)

NORTH LINE OF PUE
(P.B. 36, Pgs. 58-59)

P.O.B.
SW CORNER OF LOT 68
P.B. 36, Pgs. 58-59

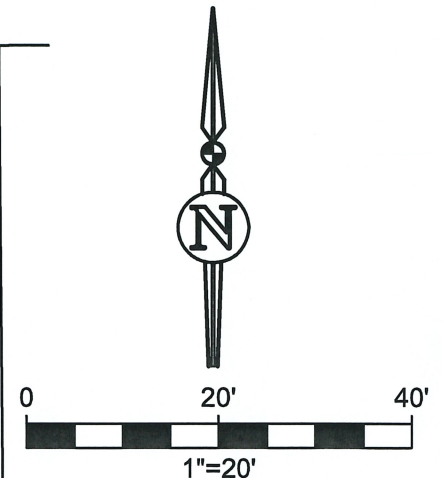
S 02°14'23" E
(RADIAL)

R=160.00'
Δ=07°11'55"
L=20.10'

NORTH R/W LINE OF
N.W. 9th ROAD

N.W. 9th ROAD
(50' R/W)

10' PUE

**LEGAL DESCRIPTION SKETCH OF**

20 FOOT INGRESS AND EGRESS EASEMENT

FOR: SAYED MOUKHTARA

THIS SKETCH OF LEGAL DESCRIPTION MEETS 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 (2019), FLORIDA STATUTES.

eda consultants, inc.
Corporate Authorization
No. LB 2389

BY: ALEJANDRO PEREZ P.S.M. 6839

THIS IS NOT A BOUNDARY SURVEY

DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	F. BK.	PAGE
AP	AP	N/A	09/04/2020	2019-0010 S02	N/A	N/A



eda consultants, inc.

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