

TEMPORARY NON-EXCLUSIVE CONSTRUCTION AND ACCESS EASEMENT

HERON CREEK MIDDLE SCHOOL

SPRINGHAVEN DRIVE PHASE 1 AND PHASE 2 ROAD IMPROVEMENT PROJECT

THIS TEMPORARY NON-EXCLUSIVE EASEMENT is made this ___ day of _____, 2009, by and between The School Board of Sarasota County, Florida, a body corporate under the laws of the State of Florida, hereinafter called Grantor, whose address is 1960 Landings Boulevard, Sarasota, Florida 34231, and the City of North Port, a political subdivision of the State of Florida, hereinafter called Grantee, whose address is 4970 City Hall Boulevard, North Port, Florida 34286.

WITNESSETH

Grantor, for and in consideration of Ten Dollars (\$10.00) and other valuable considerations, does hereby grant unto Grantee a temporary non-exclusive construction and access easement upon and across that certain property as described in "Sketch of Description – Temporary Construction Easement" consisting of four pages prepared by Strayer Surveying & Mapping Inc. and dated October 13, 2009, a copy of which is attached hereto as Exhibit "A" and by its reference made a part hereof. Said easement, located in the City of North Port, Sarasota County, Florida, is for the purposes of constructing Phase 1 and Phase 2 of the Springhaven Drive Road Improvement Project.

RESERVING UNTO GRANTOR, however, all right, title, interest and privilege in the full enjoyment of such property, and the use thereof, for all purposes not inconsistent with the use hereinabove specified.

This Temporary Non-Exclusive Easement shall terminate and become null and void after the earlier of the following two dates: (a) the date after (i) completion of the Springhaven Phase 1 and Phase 2 Construction Project and (ii) Grantor recording a Notice of Termination of Temporary Construction and Access Easement; or (b) October 1, 2011. This Temporary Non-Exclusive Construction and Access Easement is granted by Grantor and accepted by Grantee subject to the following conditions which Grantee covenants and agrees to perform:

1. To exercise due care in the use of the temporary easement.
2. To cause no unnecessary or unreasonable obstruction or interruption of travel over or upon the same.
3. To limit the use of the temporary easement to any and all purposes allowing the construction of the Springhaven Drive Improvement Project and for the right of access in, over and upon the property as described in Exhibit "A".
4. To use diligence in the construction of road improvements and any appurtenants thereto line and access in, over and upon the property so as to cause the least

amount of inconvenience, impediment or interruption of travel over, or other use of, the aforementioned Temporary Construction and Access Easement area. Upon completion of the Springhaven Road Improvement Project, Grantee agrees to restore the Easement area to its former condition. Upon Grantee's failure to do so within a reasonable period of time, Grantor may perform such work and charge the same to Grantee.

5. To use the easement hereby granted so as to prevent the creation of any obstruction or condition which is or may become dangerous to Grantor, its guests, employees, invitees, licensees or the public in general.
6. Grantee understands this easement is a temporary, nonexclusive easement and agrees to use the same with due consideration of the rights of Grantor and other easement holders.

The School Board of Sarasota County,
Florida

Witness No. 1

Caroline Zucker, Chair

Printed Name

Witness No. 2

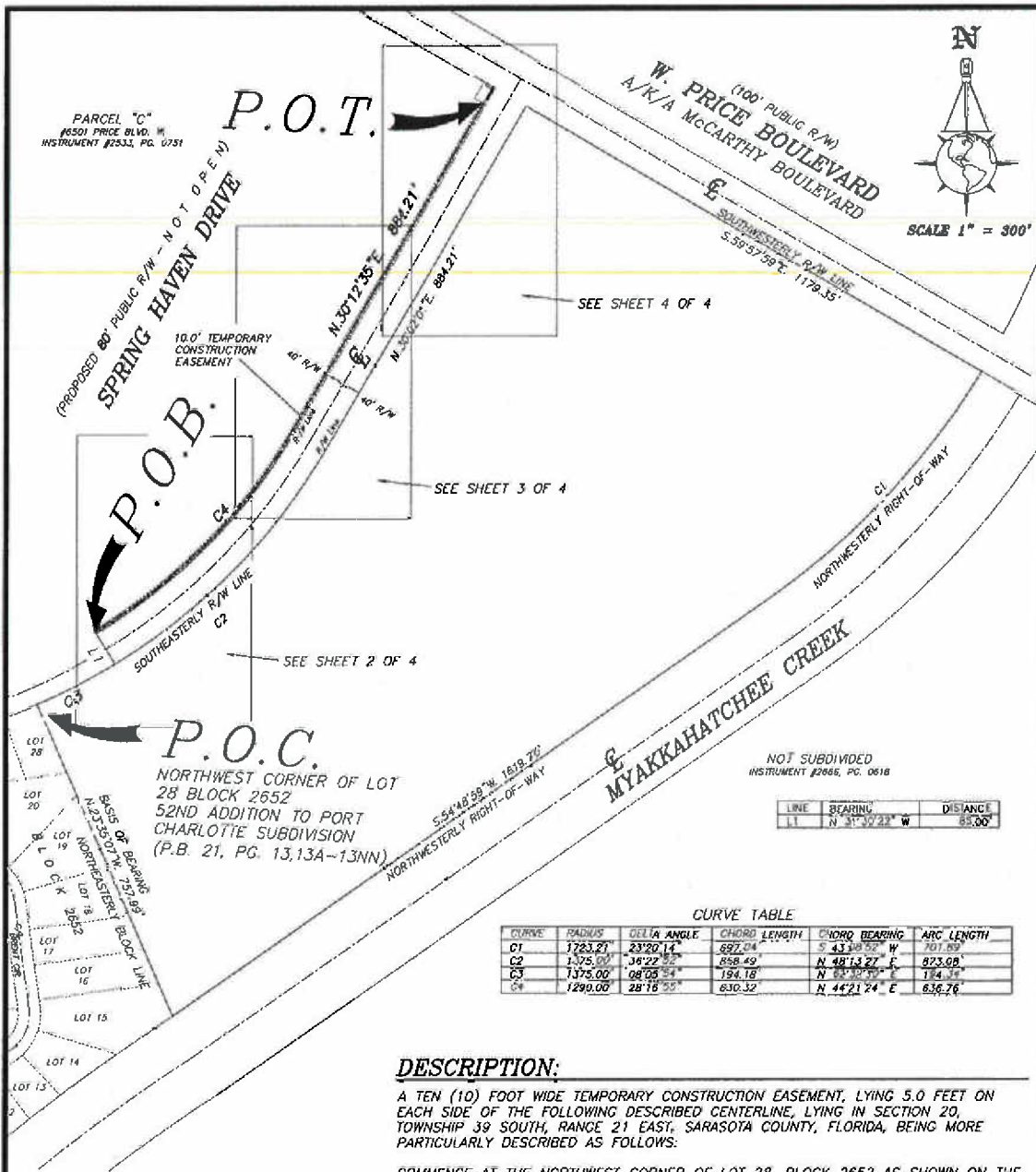
Printed Name

APPROVED FOR LEGAL CONTENT
October 20, 2009

By:


Jeffrey A. Grehe, Esq.
WILLIAMS PARKER HARRISON
DIETZ & GETZEN
200 S. Orange Avenue
Sarasota, Florida 34236

ATTORNEYS FOR THE SCHOOL
BOARD OF SARASOTA COUNTY



PARCEL "C"
#501 PRICE BLVD. W.
INSTRUMENT #2533, PG. 0751

W PRICE BOULEVARD
(100' PUBLIC R/W)
A/K/A MCCARTHY BOULEVARD

PROPOSED 80' PUBLIC R/W - NOT D.P.E.W.
SPRING HAVEN DRIVE

P.O.B.

P.O.C.

NORTHWEST CORNER OF LOT
28 BLOCK 2652
52ND ADDITION TO PORT
CHARLOTTE SUBDIVISION
(P.B. 21, PG. 13,13A-13NN)

SEE SHEET 4 OF 4

SEE SHEET 3 OF 4

SEE SHEET 2 OF 4

NOT SUBDIVIDED
INSTRUMENT #2066, PG. 0618

LINE	BEARING	DISTANCE
11	N 31°32'23" W	65.00'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	1723.27	23°20'14"	697.04	S 43°30'52" W	761.69'
C2	1375.00	08°05'54"	194.18	N 48°13'27" E	873.08'
C3	1375.00	08°05'54"	194.18	N 62°32'55" E	194.34'
C4	1290.00	28°16'55"	630.32	N 44°21'24" E	636.76'

DESCRIPTION:

A TEN (10) FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT, LYING 5.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LYING IN SECTION 20, TOWNSHIP 39 SOUTH, RANGE 21 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 28, BLOCK 2652 AS SHOWN ON THE PLAT OF FIFTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION AS RECORDED IN PLAT BOOK 21 AT PAGE 13 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SPRING HAVEN DRIVE AND BEING A POINT ON A CURVE, HAVING A RADIUS OF 1375.00 FEET, A DELTA OF 08°05'54", A CHORD BEARING OF N.62°32'30"E, AND A CHORD LENGTH OF 194.18 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 194.34 FEET; THENCE N.31°30'22"W, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING OF A SAID CENTERLINE AND BEING A POINT ON A CURVE, HAVING A RADIUS OF 1290.00 FEET, A DELTA OF 28°16'55", A CHORD BEARING OF N.44°21'24"E, AND A CHORD LENGTH OF 630.32 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 636.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.30°12'35"E, A DISTANCE OF 884.21 FEET TO POINT OF BEGINNING.

CONTAINING 14,781 SQUARE FEET±

ABBREVIATION LEGEND

- R/W = RIGHT -OF-WAY
- R.P.B. = ROAD PLAT BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- P.O.T. = POINT OF TERMINUS
- C/L = CENTERLINE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- O.R.B. = OFFICIAL RECORDS BOOK
- O.R.I. = OFFICIAL RECORDS INSTRUMENT
- B.B. = BEARING BASIS
- P.I.D. = PROPERTY IDENTIFICATION
- N.T.S. = NOT TO SCALE
- NO. = NUMBER

PREPARED FOR: CHARLOTTE ENGINEERING
 FILE NO 08-04-09P/REV SOD B
 DATE OF SKETCH: 07/08/09, REVISED 10/13/09
 THIS SKETCH DOES NOT REPRESENT A
 BOUNDARY SURVEY
 STRAYER SURVEYING & MAPPING, INC.
 LICENSED SURVEYOR BUSINESS NO. 6639

SKETCH OF DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT
 (NOT A BOUNDARY SURVEY)
 PAGE 1 OF 4

B. GREGORY RIETH
 FLORIDA SURVEYOR & MAPPER REG'N NO. 5228
 "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL
 OF A FLORIDA LICENSED SURVEYOR AND MAPPER."



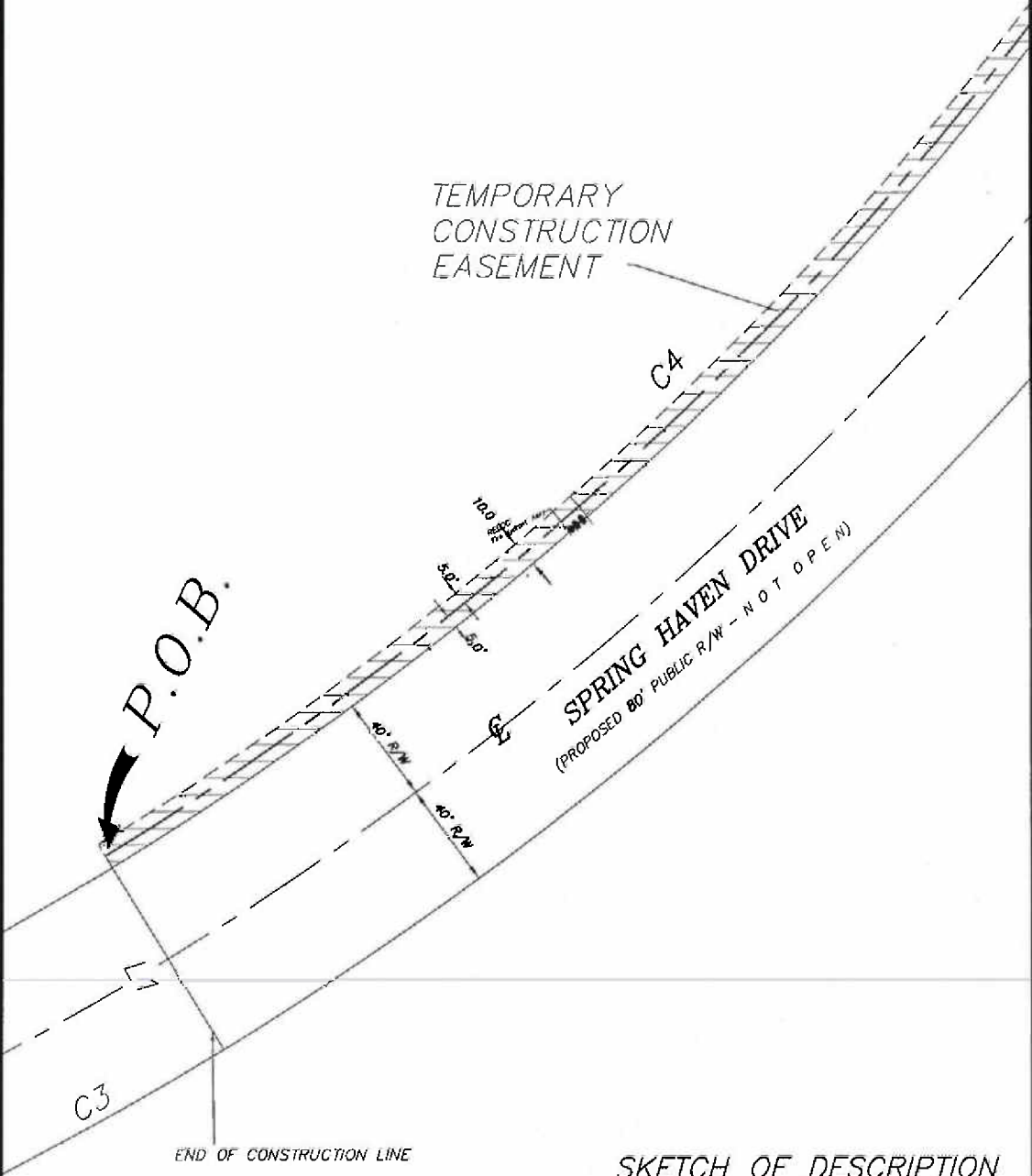
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 Florida 34293
 (941) 496-9488
 Fax (941) 497-6186
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 Fax (941) 497-6186
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SCALE 1" = 50'



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EST. 1987
STRAYER
 SURVEYING & MAPPING, INC.

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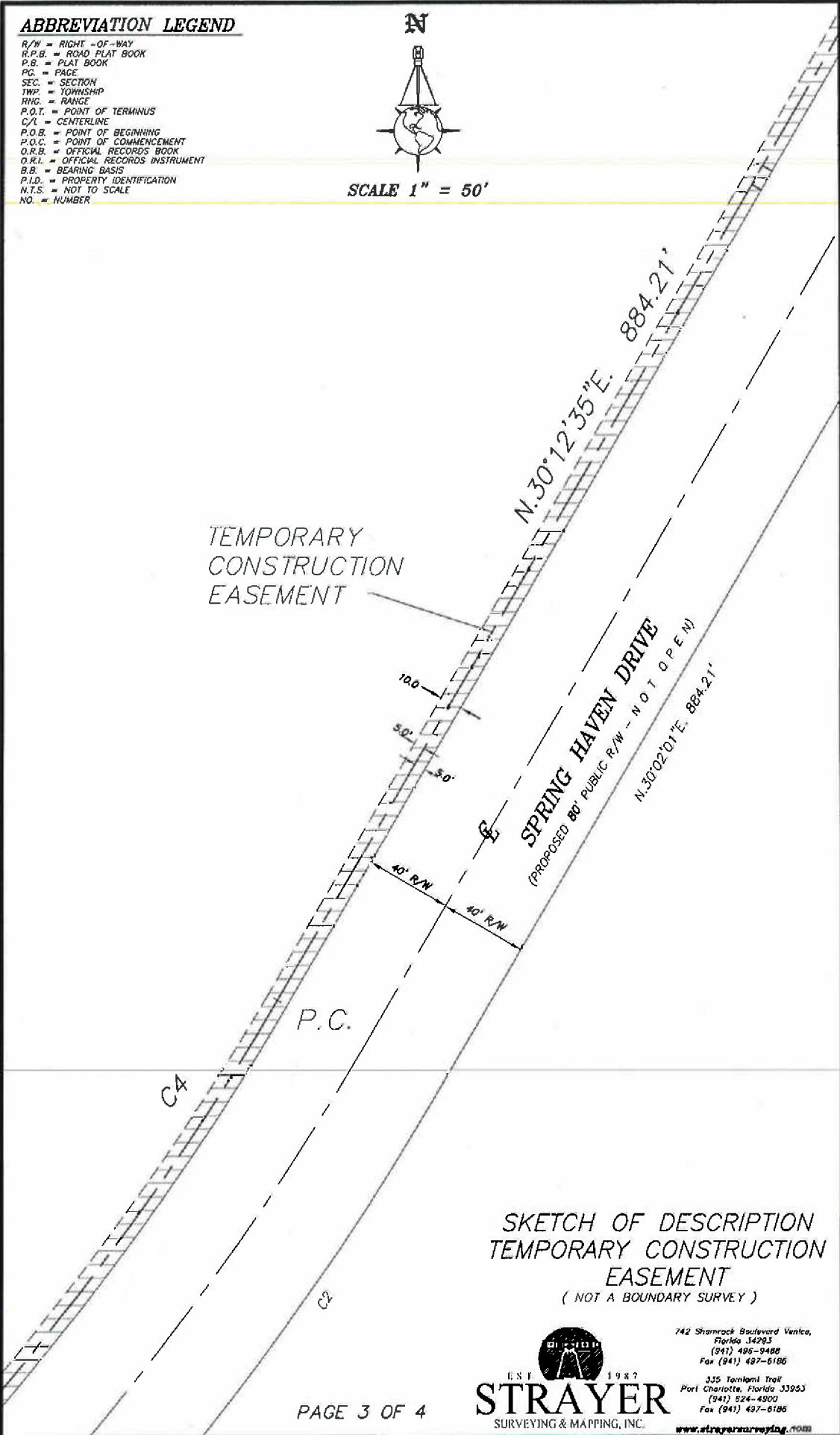
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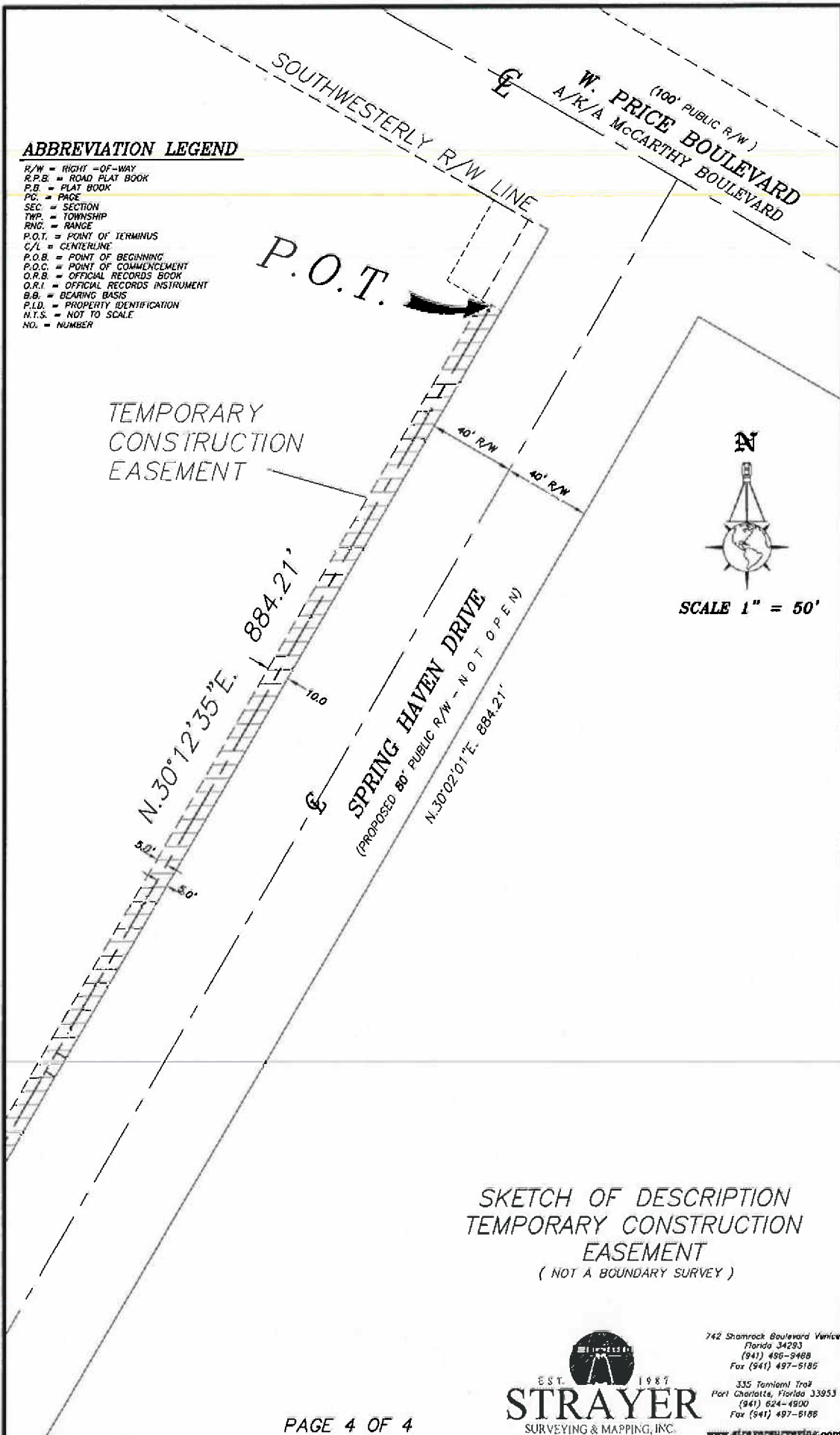
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 Florida 34293
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