

UTILITY EASEMENT
Bay Haven School of Basics Plus

THIS EASEMENT AGREEMENT is made this 1st day of September, 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 Sarasota, Florida, a political subdivision of the State Of Florida, hereinafter called Grantee, whose mailing address is 1565 First St, Sarasota, Florida 34236.

W I T N E S S E T H:

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable considerations, does hereby grant unto Grantee a non-exclusive utility easement in, on, over, through and across that certain property described in Exhibit "A" attached hereto and made a part hereof, for the purposes of constructing, maintaining or repairing underground storm water drainage system.

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 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 easements.
2. To cause no unnecessary or unreasonable obstruction or interruption of travel over or upon the same.
3. To limit the use of the easements for the purposes set forth herein.
4. To use the easements 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, and to use the easement with due regard to the rights of the Grantor.
5. To the extent allowed by Section 768.28, Florida Statutes, and without constituting any additional waiver of sovereign immunity or creating any rights to any third parties, to indemnify and hold Grantor harmless from any and all claims for the payment of any compensation or damages directly resulting from the use by Grantee of the easements granted.

6. Grantee understands the easement over the property described is a non-exclusive easement and agrees to use the same with due consideration of the rights of Grantor, the general public, and other easement holders.

This Easement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name by its undersigned duly authorized officers the day and year first above written.

Witnesses:

THE SCHOOL BOARD OF SARASOTA
COUNTY, FLORIDA

Signature of Witness

BY: _____
Caroline G. Zucker, Chair

Print Name of Witness

Signature of Witness

Print Name of Witness

STATE OF FLORIDA)
COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me this 1st day of September, 2009, by Caroline G. Zucker, Chair of The School Board of Sarasota County, Florida, on behalf of the School Board, who is personally known to me and who did take an oath.

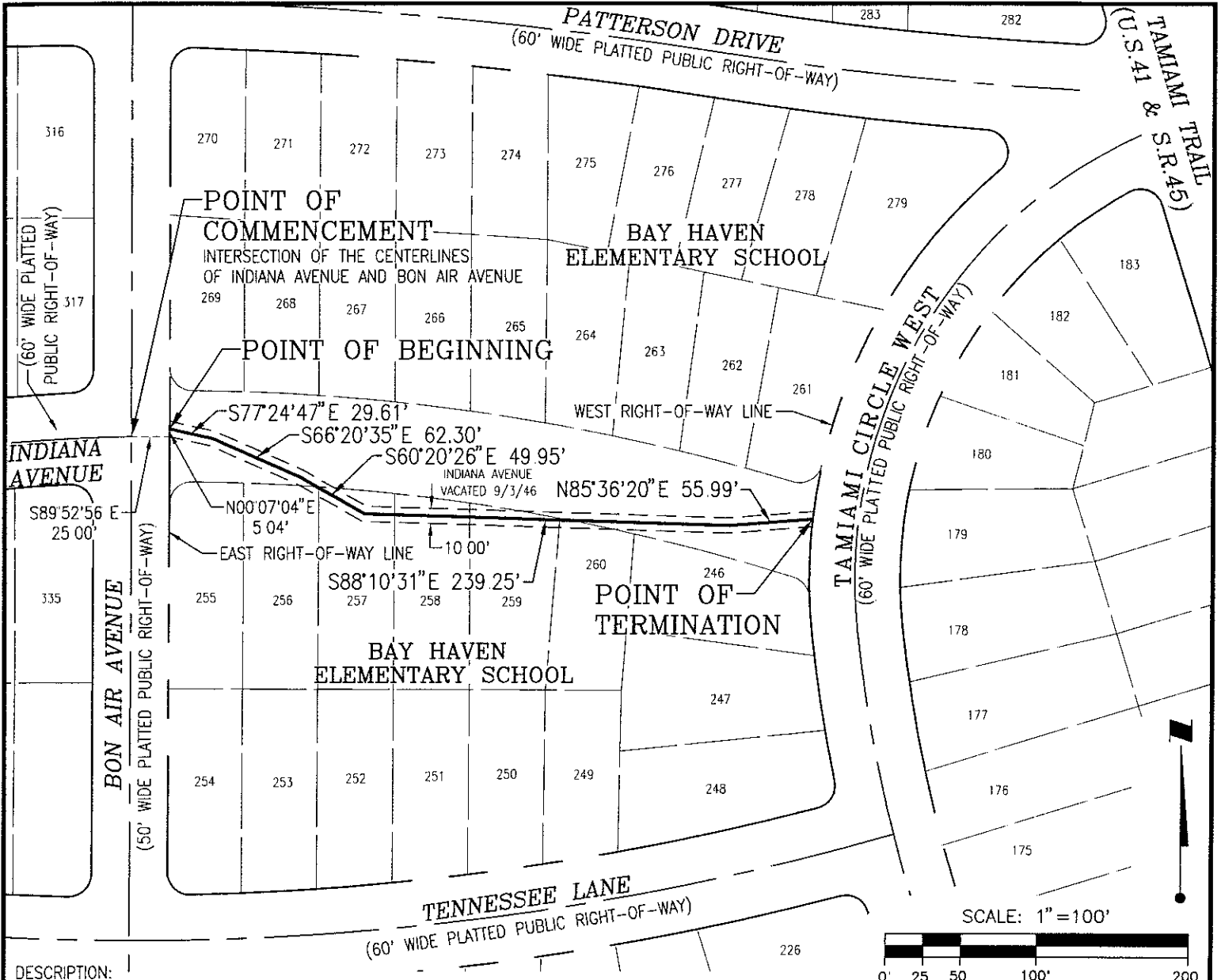
Signature of Notary Public

Name of Notary Public Print

(Notary Seal)

Prepared by:
Martin Garcia, Esq.
Matthews, Eastmoore, Hardy
Crauwels & Garcia
P.O. Box 49377
Sarasota, FL 34230-6377

Return to:
Ronald J Schwied, Project Manager
Construction Services, School Board
7895 Fruitville Road
Sarasota, FL 34240



DESCRIPTION:

A 10.00-foot wide strip of land within the vacated portion of Indiana Avenue (60.00 foot wide public right-of-way) vacated on 09/03/1946 and Lots 256 through Lot 260, all in Bay Haven Subdivision as recorded in Plat Book 1, Pages 168 through 171, Public Records of Sarasota County, Florida being in Section 12 Township 36 South, Range 17 East Sarasota County, Florida, the center line of which is described as follows:

Commence at the intersection of the centerlines of Indiana Avenue (60.00 foot wide platted public right-of-way) and Bon Air Avenue (50.00 foot wide platted public right-of-way) as shown on said plat of Bay Haven Subdivision; thence S 89°52'56"E a distance of 25.00 feet to a point on the east right-of-way line of said Bon Air Avenue; thence N 00°07'04"E, along said east right-of-way line a distance of 5.04 feet to the POINT OF BEGINNING; thence S 77°24'47"E a distance of 29.61 feet; thence S 66°20'35"E, a distance of 62.30 feet; thence S 60°20'26"E a distance of 49.95 feet; thence S 88°10'31"E, a distance of 239.25 feet; thence N 85°36'20"E, a distance of 55.99 feet to a point on the west right-of-way line of Tamiami Circle West (60.00 foot wide platted public right-of-way).

The above limits of said strip are to be extended or shortened as necessary to maintain a continuous 10.00-foot wide strip along the route described

NOTES:

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER, THIS SKETCH, DRAWING, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY
2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST RIGHT-OF-WAY LINE OF BON AIR AVENUE BEING N 00°07'04"E.
3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

FOR: SARASOTA COUNTY SCHOOL BOARD

Jennie W. Brannon 7/30/09
 Jennie W. Brannon, P.S.M. Date of Signature
 Florida Registration No 5041

This is NOT a Survey.

Jul 30, 2009 - 14:48:43 HDUF04R\X:\SURV\02711\012\006\SM-S2711-121-K02.dwg

SKETCH & DESCRIPTION OF
 10' WIDE DRAINAGE EASEMENT
 SECTION 12, TOWNSHIP 36 S, RANGE 17 E,
 SARASOTA COUNTY, FLORIDA

WilsonMiller
 Planners Engineers - Ecologists - Surveyors Landscape Architects - Transportation Consultants
 WilsonMiller, Inc.
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TASK CODE: MASLD	DRAWN BY: HUD	CHKD BY: JWB	CAD FILE: S2711-121-K02	PROJECT NO: S2711-012-006	SHEET 1 OF 1	DRAWING INDEX NO: A2711-012-006-003*	REV:
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