

 **COPY**

UTILITY AND ACCESS EASEMENT

THIS INDENTURE, made and entered into this 12th day of March 2015, by and between THE ASSOCIATION OF PELICAN POINT, INC., hereinafter called "GRANTOR", and the **CITY OF TITUSVILLE, FLORIDA**, a municipal corporation, whose post office address is P.O. Box 2806, Titusville, Florida 32781-2806, hereinafter called "GRANTEE".

A. GRANTOR is the owner in fee simple of that certain property located in the City of Titusville, Brevard County, Florida described in Exhibit "A" attached hereto and made a part hereof.

B. GRANTOR warrants and represents that it has clear and marketable title to the property and authority to execute this instrument.

NOW, THEREFORE, in consideration of the mutual promises contained herein and the sum of One Dollar (\$1.00), and other valuable consideration, receipt whereof is hereby acknowledged, the parties agree and covenant as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated by reference and made a part of this Agreement.

2. Grant of Easement. The GRANTOR does hereby grant bargain, sell and convey to GRANTEE, its legal representatives and assigns, the right of easement over, across, under, and through the property described in Exhibit "A" (the "Easement Property") situated in the City of Titusville, Brevard County, Florida, for the following purposes:

(a). A utility easement for the purpose of constructing, improving, repairing, maintaining, inspecting and the future installation and/or removal of public utilities including but not limited to underground water, reclaimed water, sewer pipes and related improvements and structures.

(b). The easements granted in this agreement shall include the right of ingress and egress over other portions of the Property and adjoining lands owned by the GRANTOR to the extent reasonably necessary to exercise the easement rights set forth herein.

The right of entry described herein for purposes of construction, maintenance, repair, and use of the facilities and improvements to be constructed and maintained within the Easement Property shall be without limitation or interruption. The rights granted herein shall include the right of the GRANTEE to assign its rights and obligations hereunder to one or more utility and service providers maintaining the facilities provided the rights herein granted shall not include the right of GRANTEE to grant new or additional rights or easements.

3. Perpetual Easement. The Easement Property created hereunder shall be considered perpetual.

4. Modification. There are no other agreements, promises or undertakings between the parties except as specifically set forth herein. No alterations, changes, modifications or amendments shall be made to this Agreement except in writing and signed by the parties hereto or their successors or assigns.

5. Authority to Grant Easement. Grantor covenants that it has the right to grant the approvals, privileges and easement stated herein, and further covenants that Grantee shall have quiet and peaceful possession, use and enjoyment of said easement.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be signed in their name by their proper officers and their corporate seal to be affixed, attested by their Secretary on this 12th day of March, 2015.

Richard C. Broome
Witness Signature (Grantor):

Richard C. Broome
Print Name:

Michelle Davis
Witness Signature (Grantor):

Michelle Davis
Print Name:

Bandy V. Malecha
Grantor:

Bandy V. Malecha
Print Name:

President
Title:

Richard C. Broome
Witness Signature (Co-Grantor):

Richard C. Broome
Print Name:

Michelle Davis
Witness Signature (Co-Grantor):

Michelle Davis
Print Name:

Kathleen Mocko
Co-Grantor, if any:

Kathleen Mocko
Print Name:

Treasurer
Title:

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 12th day of March, 2015, by Bandy V. Malecha and Kathleen A. Mocko, who is personally known to be or who has produced Florida Driver's License and New York Driver's License as identification and did/did not take an oath.



MICHELLE A. NELSEN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE 145697
Expires 11/13/2015

Michelle A. Nelsen
Notary Public, State of Florida
My Commission expires:

LEGAL DESCRIPTION:

SECTION 15, TOWNSHIP 22 SOUTH, RANGE 35 EAST
PROJECT PARCEL NUMBER 22-35-15-01-0000A.0-0001.02
OWNER NAME: THE ASSOCIATION OF PELICAN POINT, INC.

LEGAL DESCRIPTION FOR A UTILITIES AND ACCESS EASEMENT

A parcel of land being a part of lands described in Official Records Book 2621, Page 2974 and Official Records Book 2632, Page 0903, of the Public Records of Brevard County, Florida lying in Section 15, Township 22 South, Range 35 East, Brevard County Florida being more particularly described as follows:

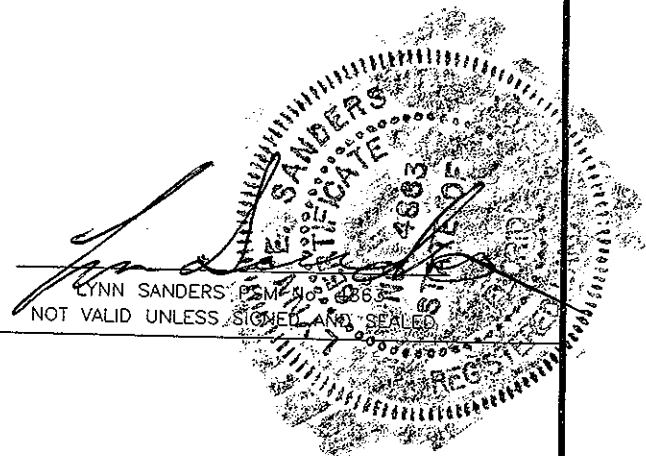
Commence at the point of intersection of the north line of said Section 15, and the easterly right-of-way line of U.S. Highway No. 1, said point of intersection being on the arc of a circular curve concaved southwesterly, having a radius of 17,241.80 feet; thence run north 89°-56'-59" east along said north line of Section 15, a distance of 195.11 feet to the point of beginning; thence continue on said north line north 89°-56'-59" east for a distance of 120.00 feet to a point; thence run south 00°-10'-59" west for a distance of 40.01 feet to a point; thence run south 89°-56'-59" west for a distance 67.68 feet to a point; thence run south 89°-50'-11" west for a distance of 52.32 feet to a point, thence run north 00°-10'-59" east for a distance of 40.11 feet to the point of beginning. Containing 4,803.81 sq. ft. (0.11 acres).

SURVEYOR'S NOTES:

1. This is not a survey. This document was prepared for legal description purposes only. and is in no way indicative of an actual survey.

PREPARED FOR: THE ASSOCIATION OF PELICAN POINT INC.

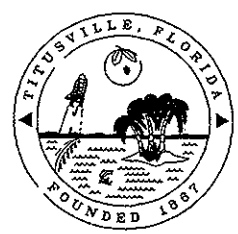
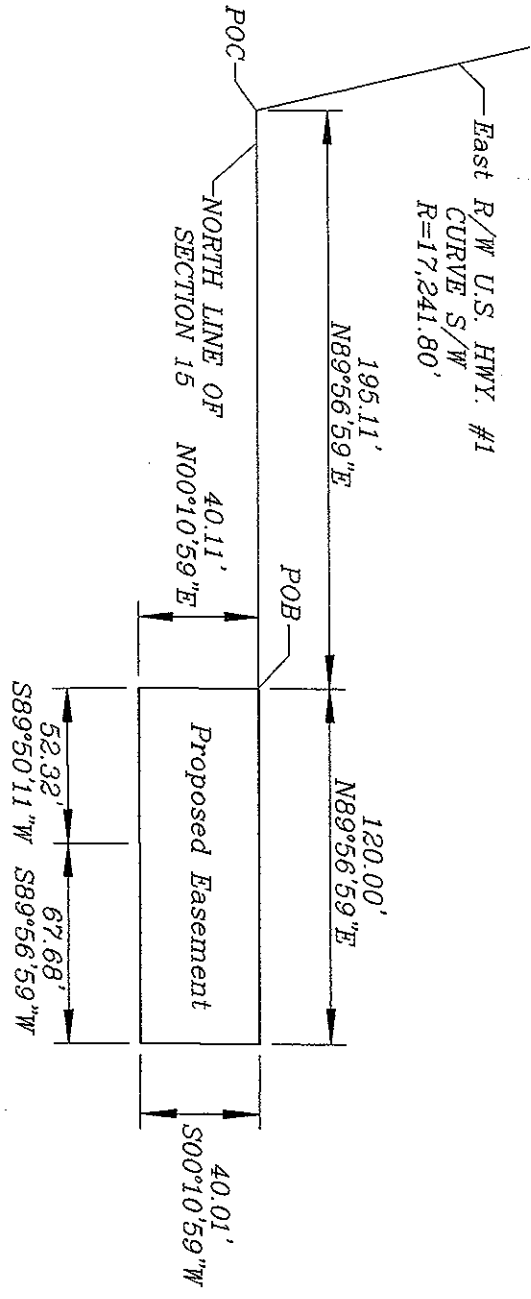
OWNER NAME: THE ASSOCIATION OF PELICAN POINT, INC.
ADDRESS: 2465 SOUTH WASHINGTON AVENUE
PHONE: (321) 567-3781



DRAWN BY: <u>JMS</u>	CHECKED BY: _____	DRAWING NO. _____
DATE: <u>01/16/15</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS: _____

LEGAL DESCRIPTION:

SECTION 15, TOWNSHIP 22 SOUTH, RANGE 35 EAST
PROJECT PARCEL NUMBER 22-15-35-01-0000A.0-0001.02
OWNER NAME: THE ASSOCIATION OF PELICAN POINT, INC.



City of Titusville
555 South Washington Avenue
Titusville, Florida
PH. (321) 383-5775 FAX (321) 383-5700

PREPARED FOR: THE ASSOCIATION OF PELICAN POINT INC.

DRAWN BY: JMS	CHECKED BY: _____	DRAWING NO. _____
DATE: 01/16/15	SHEET 2 OF 2	REVISIONS: _____