

# EXHIBIT D

This document was prepared by:  
Indian River County Attorney's Office  
1801 27th Street  
Vero Beach, FL 32960  
(772) 226-1425

## UTILITY EASEMENT

**THIS GRANT OF EASEMENT**, made and executed this \_\_\_\_ day of \_\_\_\_\_, 2018, by **INDIAN RIVER COUNTY, a political subdivision of the State of Florida**, having a mailing address of 1801 27<sup>th</sup> Street, Vero Beach, Florida 32960, hereinafter called GRANTOR and **DATAPATH TOWER, LLC, a Florida limited liability company**, whose mailing address is 200 Central Avenue, St. Petersburg, Florida 33701, hereinafter called GRANTEE.

### WITNESSETH:

**That GRANTOR** for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the GRANTEE, a perpetual easement for utilities over, across, above and beneath the following described land, situate in Indian River County, Florida, to-wit:

**See Exhibit "A" attached hereto.**

**And GRANTOR** hereby covenants with said GRANTEE that the GRANTOR is lawfully seized of said servient land in fee simple, and that the GRANTOR has good right and lawful authority to convey the easement established hereby and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the GRANTOR has hereunto set its hand and seal the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

Attest: Jeffrey R. Smith, Clerk of Court  
And Comptroller

BY: \_\_\_\_\_  
Peter D. O'Bryan, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Date BCC Approved: \_\_\_\_\_

Approved:

Approved as to form and legal sufficiency

By \_\_\_\_\_  
Jason E. Brown  
County Administrator

\_\_\_\_\_  
William K. DeBaal  
Deputy County Attorney

# EXHIBIT "A"

**DESCRIPTION OF TEN FEET WIDE UTILITY EASEMENT**

A TEN FEET WIDE UTILITY EASEMENT LYING AND BEING IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 33 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA. SAID EASEMENT BEING FIVE FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE POINT OF BEGINNING OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN "COUNTY DEED INDIAN RIVER COUNTY, FLORIDA" ACCORDING TO OFFICIAL RECORDS BOOK 3002, PAGE 187 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, HAVING STATE PLANE COORDINATES OF N:1199899.18 E:849082.79(C) BASED ON NAD83/2007, FLORIDA EAST ZONE 901, RUN SOUTH 53°35'25" EAST A DISTANCE OF 50.95 FEET; THENCE RUN NORTH 00°22'23" EAST A DISTANCE OF 10.48 FEET; THENCE RUN SOUTH 89°31'58" EAST A DISTANCE OF 52.77 FEET; THENCE RUN SOUTH 00°56'58" WEST, A DISTANCE OF 9.90 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; FROM SAID POINT OF BEGINNING HAVING STATE PLANE COORDINATES OF N:1199884.04 E:849176.38(C), BASED ON NAD83/2007, FLORIDA EAST ZONE 901, RUN NORTH 82°46'35" EAST, A DISTANCE OF 97.95 FEET TO THE POINT OF TERMINUS, SAID POINT OF TERMINUS BEING 6.00 FEET NORTH 82°46'35" EAST OF AN EXISTING UTILITY POLE OF THE CITY OF VERO BEACH.

THE SIDE LINES OF SAID EASEMENT TO BE PROLONGED OR SHORTENED AT ANGLE POINTS AND PARCEL LINES

THE ABOVE DESCRIBED EASEMENT WAS CREATED TO SERVE THAT CERTAIN PARCEL OF LAND HAVING A PARCEL ID NO. 33390200000700000001.8 BY THE PROPERTY APPRAISER OF INDIAN RIVER COUNTY, FLORIDA.

SAID DESCRIBED EASEMENT CONTAINING 979.47 S.F.

SURVEYOR'S GENERAL NOTES AND REPORT:

- UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
  - NO FIELD WORK WAS PERFORMED TO DELINEATE THE DESCRIBED STRIP PARCELS. SUBSEQUENT ADDITIONS, DELETIONS AND/OR UPDATES, IF ANY, ARE REFLECTED IN THE DRAWING REVISIONS.
  - BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 2007, AND ARE PROJECTED IN THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE (901) AND ARE REFERENCED TO THE ESTABLISHED LINE SHOWN HEREON LABELED AS THE "BEARING BASIS".
  - UNLESS A DIFFERENCE IS SHOWN, OBSERVED AND RECORD DIMENSIONS ARE THE SAME. ALL DIMENSIONS SHOWN HEREON ARE DISPLAYED IN U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
- THE BOUNDARY DETERMINATION AND DELINEATION SHOWN ON THIS SKETCH AND DESCRIPTION WAS BASED UPON THE PROFESSIONAL OPINION OF THE REGISTERED SURVEYOR PURSUANT TO NORMAL PRINCIPALS AND PRACTICES OF LAND SURVEYING, AND IS NOT INTENDED TO IMPLY OR DETERMINE OWNERSHIP. THIS SKETCH AND DESCRIPTION DOES NOT INTEND TO DELINEATE LOCAL AREAS OF CONCERN OR ANY OTHER JURISDICTIONAL DETERMINATION. THIS 10 FEET WIDE EASEMENT WAS PREPARED TO SERVE THE NEW UTILITY TOWER PARCEL.
- THIS SKETCH AND DESCRIPTION HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT AND USE OF THE PERSONS AND/OR ENTITIES NAMED HEREON FOR THE PURPOSES IDENTIFIED HEREON ONLY. UNLESS OTHERWISE STATED, CERTIFICATION OF THIS SKETCH AND DESCRIPTION APPLIES ONLY TO THE STANDARDS OF PRACTICE 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. THE CERTIFICATION IN NO WAY CONSTITUTES NEITHER GUARANTY NOR WARRANTY TO ANY OTHER INFORMATION NOT SHOWN HEREON. ADDITIONS, DELETIONS OR REVISIONS TO THIS DRAWING BY OTHERS ARE NOT PERMITTED AND THIS SKETCH AND DESCRIPTION MAY NOT BE TRANSFERRED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE SIGNING SURVEYOR. THIS SKETCH AND DESCRIPTION IS NOT VALID FOR ANY OTHER PURPOSE OTHER THAN INTENDED BY THE SIGNING SURVEYOR.
  - THE DESCRIPTION OF THE SKETCH AND DESCRIPTION IN QUOTES WAS OBTAINED FROM OFFICIAL RECORDS BOOK 3002, PAGE 187 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. THE LESS AND EXCEPT PORTION OF THE DESCRIPTION WAS DEVELOPED BY THE PROFESSIONAL SURVEYOR AND MAPPER. REFERENCE MATERIAL WAS OBTAINED FROM A PREVIOUS BOUNDARY SURVEY PERFORMED BY CARTER ASSOCIATES, INC. FOR THE CITY OF VERO BEACH, DATED MARCH 2013, PROJECT NO 13-27352, AND PROJECT 16-4995. THE PAST SURVEYS OF THE TOWER UTILITY PARCEL IS DELINEATED BY THE EXISTING TOWER ANTENNA, GUY WIRES AND ENCLOSURE FENCE AS MENTIONED IN THE RECORD LEGAL DESCRIPTION.
  - THE HEREON DESCRIBED PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" (OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 12061C0244, PANEL 0244, SUFFIX "H" MAP EFFECTIVE DATE DECEMBER 4, 2012.
  - THIS MAP IS A SKETCH OF DESCRIPTION ONLY. A BOUNDARY SURVEY WAS NOT PERFORMED TO DELINEATE SAID PARCELS.

**LEGEND**

	WATER METER	L1	LINE TABLE TAG NUMBER
	ANCHOR & GUY WIRE SIGN	FDRC	FOUND 1/2" DIAMETER REBAR/CAP STAMPED "CARTER ASSOC" 9-2-2016
	DRAINAGE CATCH BASIN		
	SANITARY SEWER MANHOLE		
	OVERHEAD ELECTRIC	ESD	EMERGENCY SERVICES DISTRICT
	TOP OF BANK	IRC	INDIAN RIVER COUNTY DATA OBTAINED FROM FURNISHED DOCUMENTS BY THE CLIENT OF THE PROPOSED INGRESS / EGRESS AND UTILITY EASEMENT SKETCH AND DESCRIPTION PREPARED BY DAVID SILON, PSM OF THE INDIAN RIVER COUNTY, DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION
	TOE OF SLOPE		
	WATER VALVE		
	FIRE HYDRANT		
	UTILITY POLE		
(O)	OBSERVED DATA		
(P)	PLAT DATA		
(C)	CALCULATED DATA		
(D)	DEED DESCRIPTION CALL		
	EXISTING WELL		ALL FOUND 1/2" DIAMETER REBAR/CAP STAMPED "CARTER ASSOC." WERE PREVIOUSLY OBSERVED AND VERIFIED BY CAI DATED MARCH 2013, PROJECT 13-2735, UNLESS OTHERWISE NOTED.
	TELEPHONE/CATV RISER		
	SANITARY CLEAN-OUT		
	YARD LIGHT		
	ELECTRICAL RISER		
	MAIL RECEPTACLE		
	ELECTRICAL METER		
	TELEPHONE OR CABLE RISER		
DIA.	DIAMETER		
R.O.W.	RIGHT OF WAY		
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM		
C.B.S.	CONCRETE BLOCK STRUCTURE		
CONC.	CONCRETE		
L.P.	LIQUID PROPANE		
CMP	CORRUGATED METAL PIPE		
P.O.B.	POINT OF BEGINNING		
P.O.C.	POINT OF COMMENCEMENT		
P.O.T.	POINT OF TERMINUS		
O.R.B. PG.	OFFICIAL RECORD BOOK PAGE		

THIS SKETCH IS NOT A BOUNDARY SURVEY

THIS SKETCH AND DESCRIPTION IS COMPRISED OF THREE PAGES. ONE IS NOT VALID WITHOUT THE OTHER. REFERENCE MATERIAL: 19455-C, 13-2735, 20339-C, 837/15+, 776/29+

CERTIFIED TO:  
INDIAN RIVER COUNTY, FLORIDA  
DATAPATH TOWER, LLC

FRANK S. CUCCURESE, PSM  
FLORIDA REGISTRATION NO. 4765  
CARTER ASSOCIATES, INC. LB205  
SIGNATURE DATE:

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NO.	REVISION	BY	DATE

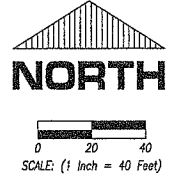
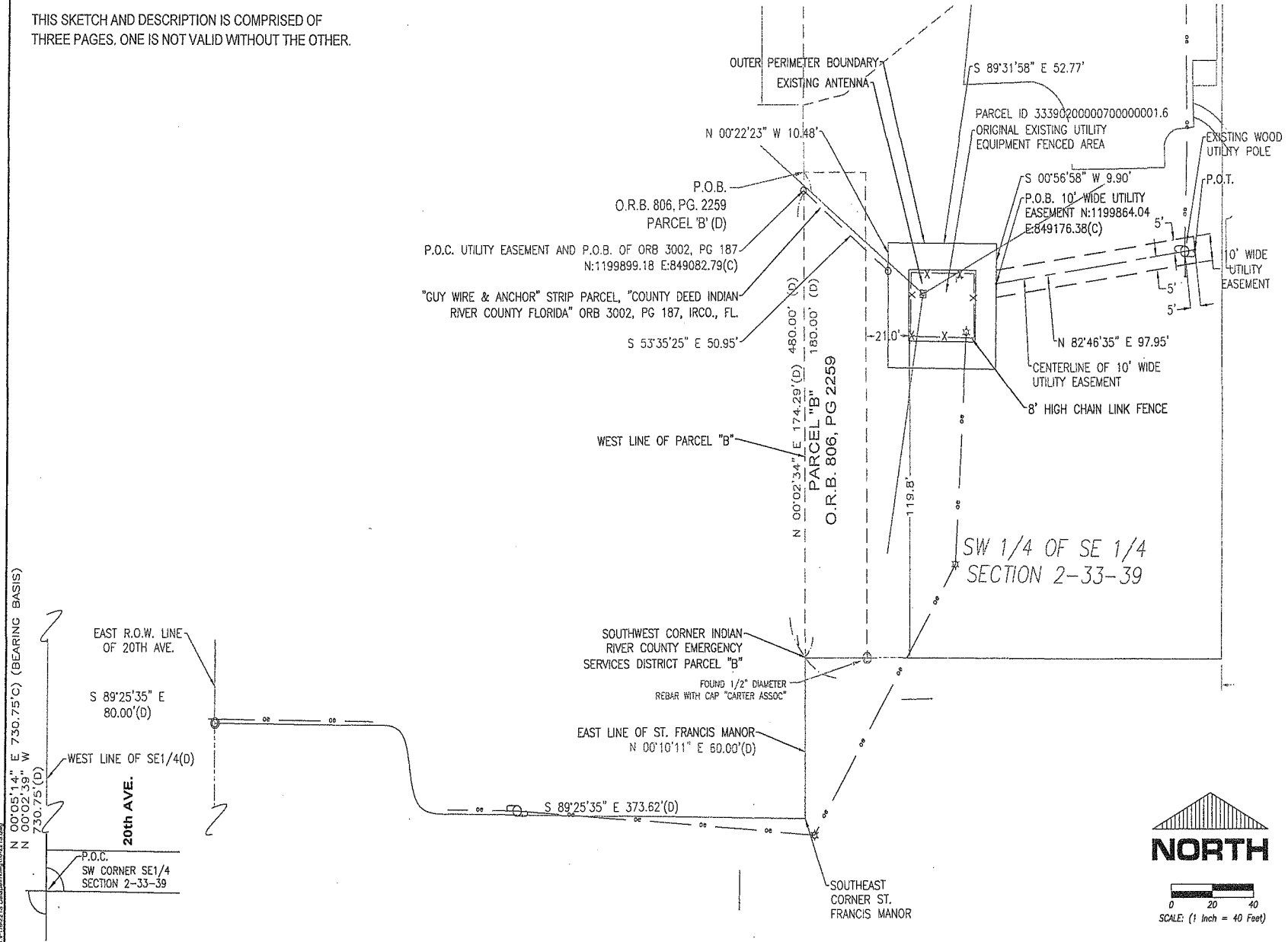
**DATAPATH TOWER**  
200 CENTRAL AVENUE  
ST. PETERSBURG, FLORIDA 33701

**CAI** Serving Florida Since 1911  
**CARTER ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND LAND SURVEYORS  
1708 21st STREET, VERO BEACH, FL 32960  
TEL: (772) 562-4191 FAX: (772) 562-7180

**SKETCH AND DESCRIPTION**  
CITY OF VERO BEACH UTILITY EASEMENT  
SECTION 2, T.33S., R.39E.,  
INDIAN RIVER COUNTY, CITY OF VERO BEACH, FL.  
**DESCRIPTION OF EASEMENT**

**SHEET**  
**1 of 2**  
Dwg. #: 20959-A

THIS SKETCH IS NOT A BOUNDARY SURVEY  
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NO.	REVISION	BY	DATE

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**SHEET**  
**2 of 2**  
 Dwg. # 20959-A