

## UTILITY EASEMENT

**THIS GRANT OF UTILITY EASEMENT**, made and executed this \_\_\_\_ day of April, 2019, 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 COUNTY, and the **CITY OF VERO BEACH**, a **Florida municipal corporation**, whose mailing address is P.O. Box 1389, Vero Beach, FL 32961-1389, hereinafter called CITY;

### WITNESSETH:

**COUNTY** purchased from the City, a 35± acre parcel of property (the Property) located at the south east corner of 43<sup>rd</sup> Avenue and 26<sup>th</sup> Street. The property was the site of the former Dodgertown Golf Course.

**CITY** has certain improvements upon the Property that the City needs to retain, namely a utility easement for City water and sewer lines over the west 15' of the Property and a small portion over the southwest corner of the Property.

**Now, therefore, COUNTY**, 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 CITY, an exclusive easement for utilities over, across, and beneath the following described land, situate in Indian River County, Florida, to-wit:

**See Exhibit "A" attached hereto**

**And COUNTY** hereby covenants with the CITY that the COUNTY is lawfully seized of said servient land in fee simple, and that the COUNTY 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.

**And CITY** hereby shall for itself, its successors, and assigns have the right to use the Easement Premises for purposes not inconsistent with the Easement granted herein, including without limitation, the right of ingress, egress and passage for Grantee, and its employees, agents, and contractors on, over, under, and across the Easement Premises for inspection, construction, and maintenance of utility pipes, equipment and facilities.

IN WITNESS WHEREOF, the COUNTY has executed this Easement as of the date first set forth above.

INDIAN RIVER COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Bob Solari, Chairman

Approved by BCC \_\_\_\_\_

ATTEST:  
Jeffrey R. Smith, Clerk of Court and  
Comptroller

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

Approved:

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

Approved as to Form and Legal Sufficiency:

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

**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**  
**WATER & SEWER EASEMENT #2018-EG-233**  
**PARCELS #32-39-26-00011-0230-00001.3 & 32-39-26-00011-0230-00001.1**

Situated in the State of Florida, County of Indian River, City of Vero Beach and being a part of Section 03, Township 33 South, Range 39 East, and being more particularly bounded and described as follows:

**A water and sewer easement of varying widths: described as follows:**

Commencing at the northwest corner of Section 03, Township 33 South, Range 39 East;

Thence South 00°00'47" West along the west line of said Section 3 for a distance of 72.01;

Thence South 89°45'39" East for a distance of 50.00 feet to a point on the east right of way line of 43<sup>rd</sup> Avenue, said point also being the Point of Beginning of a water and sewer easement;

Thence South 00°00'47" West along the east right of way line of 43<sup>rd</sup> Avenue for a distance of 1203.71 feet;

Thence South 07°48'44" East along said east right of way line for a distance of 139.55 feet;

Thence South 00°00'47" West along said east right of way line for a distance of 75.08 feet;

Thence South 10°28'14" West along said east right of way line for a distance of 33.06 feet;

Thence South 00°00'47" West said east right of way line for a distance of 345.67 feet;

Thence South 04°41'53" West along said east right of way line for a distance of 159.16 feet;

Thence South 00°00'47" West along said east right of way line for a distance of 88.90 feet to the southwest corner of Dodgertown Parcel 3-A as recorded in Official Records Book 1961, Page 968 of the Public Records of Indian River County;

Thence North 69°22'53" East along the south line of Parcel 3-A for a distance of 104.39 feet;

Thence North 85°09'32" West for a distance of 82.99 feet;

Thence North 00°00'47" East for a distance of 44.52 feet;

Thence North 04°41'53" East for a distance of 159.16 feet;

Thence North 00°00'47" East for a distance of 344.91 feet;

Thence North 10°28'14" East for a distance of 33.06 feet;

Thence North 00°00'47" East for a distance of 77.47 feet;

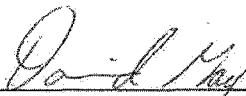
Thence North 07°48'44" West for a distance of 139.55 feet;

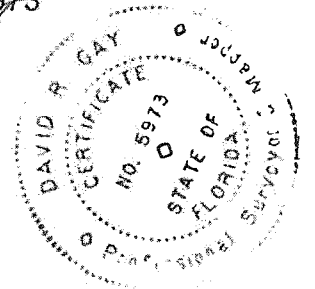
Thence North 00°00'47" East for a distance of 1217.63 feet;

Thence South 45°07'34" West for a distance of 21.17 feet to the Point of Beginning;

Said easement containing 32,323 square feet or 0.74 acres more or less.

Note: The side lines of the above described easement are to be shortened or prolonged to meet at angle points, property lines, and right of way lines.

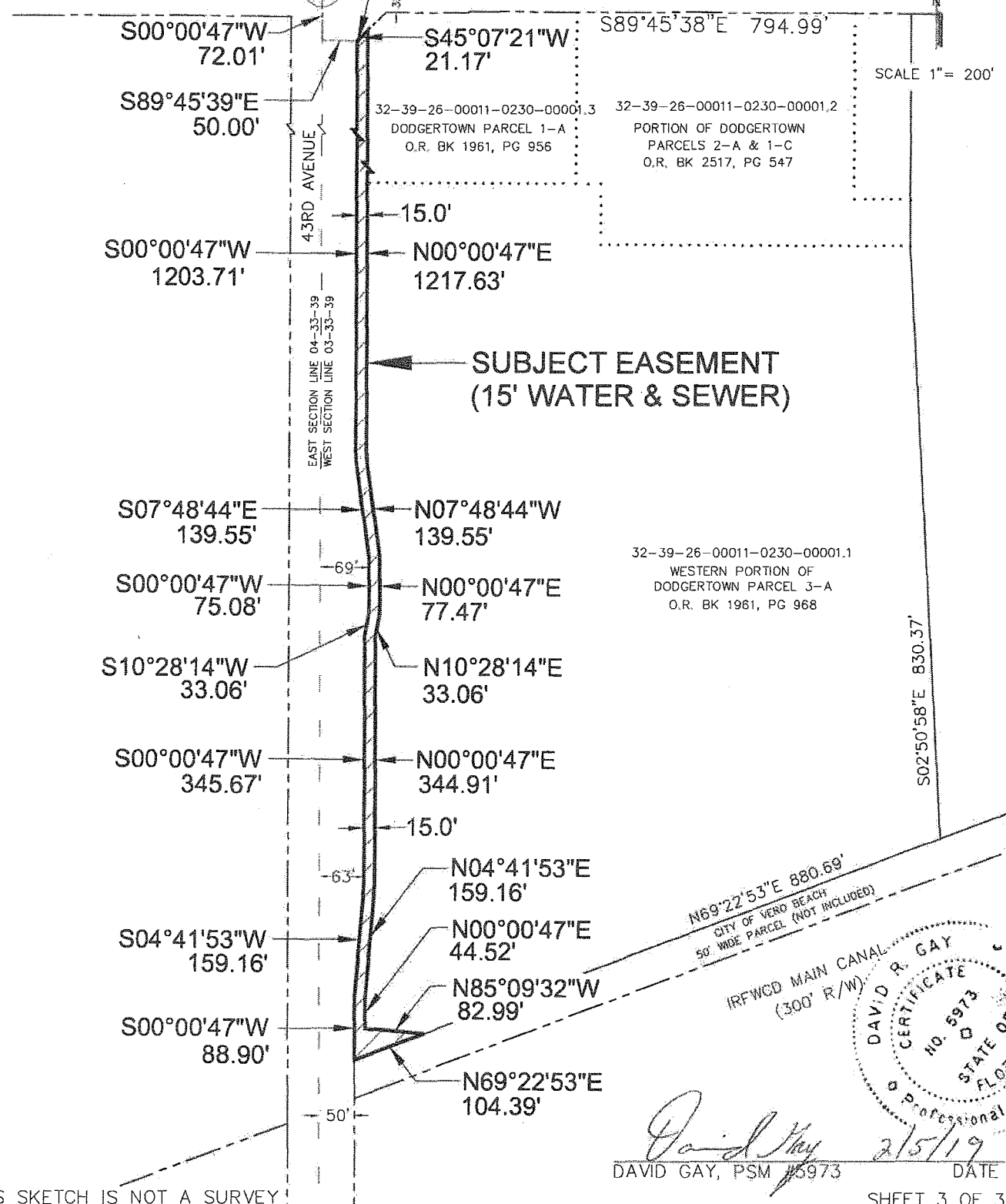
  
\_\_\_\_\_  
David Gay, PSM #5973



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POINT OF COMMENCEMENT  
NW CORNER SECTION 03-33-39

POINT OF BEGINNING  
(15' WATER & SEWER EASEMENT)



THIS SKETCH IS NOT A SURVEY

N69°22'53"E 880.59'  
N04°41'53"E 159.16'  
N00°00'47"E 44.52'  
N85°09'32"W 82.99'  
N69°22'53"E 104.39'

DAVID R. GAY  
CERTIFICATE  
NO. 5973  
STATE OF FLORIDA  
Professional Surveyor

DAVID GAY, PSM #5973 DATE 2/15/19

SHEET 3 OF 3

CITY OF VERO BEACH	SKETCH OF PROPERTY DESCRIPTION	EXHIBIT "A"	REV. NO. 1	AUTHRZD. BY RB
DEPARTMENT OF PUBLIC WORKS	WATER AND SEWER EASEMENT	CITY PROJECT NO. 2018-EG-233	DRWN BY DG	DATE 2/2019
SURVEY & ENGINEERING DIVISION	PORTION OF SECTION 03-33-39	DATE 05/2018	DRWN BY DG	CHKD BY MKF
			DESCRIPTION WIDENED ESMT TO 15', ADJUSTED S. PORTION	