

07-PE.LLC-02/12

January 5, 2022

This instrument prepared by

Robin D. Derr

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.1
SECTION NO. 36600-2604
P.M. NO. 3603-2021
STATE ROAD 492
COUNTY Marion

PERPETUAL DRAINAGE EASEMENT AND
JOINT USE AGREEMENT

THIS PERPETUAL DRAINAGE EASEMENT AND JOINT USE AGREEMENT made this _____ day of _____, _____, by the CITY OF OCALA("City") , a municipality of the State of Florida, grantor(s), to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), its successors and assigns, grantee

WITNESSETH: That the grantor, the City of Ocala, for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys unto the grantee, its successors and assigns, a perpetual easement for the purpose of constructing, maintaining and operating a stormwater retention area and for clearing, excavating, constructing, operating, and maintaining outfall and drainage ditches and drains, with all such fills, cuts, drains, ditches and other incidents which the grantee may deem necessary or convenient in connection therewith in, over, under, upon and through the following described land in Marion County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof

WHEREAS, FDOT has previously conveyed certain other real Property described in Exhibit "B" ("FDOT Parcel"), to the City of Ocala by Quit-Claim Deed recorded November 30, 2021, in Official Records Book 7634, Page 1254; and

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WHEREAS, the conveyance of the "FDOT Parcel" reserved to the FDOT perpetual drainage easement rights as described in the Quit Claim Deed; and

WHEREAS, the land area included in this Perpetual Drainage Easement and Joint Use Agreement together with the "FDOT Parcel" form one joint use stormwater retention area that has been and will continue to be used as a joint use stormwater retention area; and

WHEREAS, the City of Ocala shall be perpetually and solely responsible for the maintenance of the joint use stormwater retention area and property associated therewith. Maintenance is understood to be adequate maintenance to assure adequate drainage is continuously provided to SR 492 without interruption or impairment and to include, at Grantor's sole cost, the repair, replacement, and reconstruction of the drainage system and facilities, including pipes, as may be needed from time to time; and.

Grantor, the City of Ocala, shall at all times be responsible to assure that any maintenance requirements associated with permits that have been issued by regulatory and environmental agencies, including, but not limited, to stormwater permits issued by water management districts, are fully met at all times.

In the event the City of Ocala fails to repair, maintain, replace, reconstruct said stormwater retention area or any damage arising out of or associated with the use of the stormwater retention area, the State of Florida, Department of Transportation shall be entitled to enter onto Grantor's property, including but not limited to the easement area, to perform necessary repairs to assure continuous, adequate drainage to Grantee's storm water retention area, at the expense of the City of Ocala.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever, and the grantor will defend the title to said lands against all persons claiming by, through or under said grantor.

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IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in
the presence of: Two witnesses
required by Florida Law

THE CITY OF OCALA,
a Florida municipal corporation

SIGNATURE LINE
PRINT/TYPE NAME: _____

By: _____
Print Name: _____
As its: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

ATTEST: _____
Print Name: _____
Its City Clerk

ADDRESS OF GRANTOR:

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, _____, by _____, as its _____, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

SKETCH OF DESCRIPTION

DESCRIPTION:

A PORTION OF THE LANDS DESCRIBED IN THE DEED RECORDED IN DEED BOOK 162, AT PAGE 504, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, LYING IN SECTION 7, TOWNSHIP 15 SOUTH, RANGE 22 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 OF BLOCK "M", ALLRED'S ADDITION TO THE CITY OF OCALA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK "A", PAGE 74, PUBLIC RECORDS OF MARION COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 55 FEET OF SAID LOT 1 AND LESS AND EXCEPT THE EAST 15 FEET OF THE WEST 70 FEET OF THE SOUTH 87 FEET OF SAID LOT 1

AND

LOT 4 OF BLOCK "M", ALLRED'S ADDITION TO THE CITY OF OCALA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK "A", PAGE 74, PUBLIC RECORDS OF MARION COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 55 FEET OF SAID LOT 4 AND LESS AND EXCEPT THE STRIP OF LAND TO SUPPLEMENT THE RIGHT-OF-WAY OF LINCOLN STREET AS MORE PARTICULARLY DESCRIBED IN THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 61, AT PAGE 377, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

NOTES:

1. THIS SKETCH DOES NOT REPRESENT A SURVEY OF ANY KIND AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
2. THIS SKETCH WAS PREPARED TO DESCRIBE AND DEPICT THE LANDS INTENDED FOR AN EASEMENT RESERVATION IN FAVOR OF THE FLORIDA DEPARTMENT OF TRANSPORTATION BY THE CITY OF OCALA, A MUNICIPAL CORPORATION.
3. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF THE TITLE SEARCH REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NUMBER 2076-5574594, SEARCHED FROM APRIL 3, 2016, THROUGH SEPTEMBER 27, 2021, AT 8:00 A.M.
4. BEARINGS ARE BASED ON THE DESCRIPTIONS OF RECORD WITH THE WEST LINE OF LOT 3, BLOCK "M" OF ALLRED'S ADDITION TO THE CITY OF OCALA, AS RECORDED IN PLAT BOOK "A", AT PAGE 74, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEARING NORTH.
5. PARCEL OWNERSHIP DATA SHOWN HEREON OBTAINED FROM THE PROPERTY OWNERSHIP DATABASE OPERATED AND MAINTAINED BY THE OFFICE OF THE MARION COUNTY PROPERTY APPRAISER.
6. EASEMENTS OF RECORD ENCUMBERING THE SUBJECT PROPERTIES DESCRIBED HEREON ARE NOT SHOWN.
7. DIGITAL COPIES OF THIS SKETCH ARE INVALID UNLESS IT BEARS THE ELECTRONIC SIGNATURE OF THE FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER LISTED HEREON THAT IS DIGITALLY AUTHENTICATED IN ACCORDANCE WITH CHAPTER 5J-17.062, FLORIDA ADMINISTRATIVE CODE; PRINTED COPIES OF THIS SKETCH ARE INVALID UNLESS THEY BEAR THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER LISTED HEREON.
8. ADDITIONS, DELETIONS, AND/OR ALTERATIONS TO THIS SKETCH ARE PROHIBITED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE FLORIDA PROFESSIONAL SURVEYOR & MAPPER LISTED HEREON.

"PROPOSED GRANT OF EASEMENT IN FAVOR OF THE FLORIDA DEPARTMENT OF TRANSPORTATION"

SECTION:	07	TOWNSHIP:	15 S	RANGE:	22 E
DRAWN:	RKR	CHECKED:	RKR		
DATE:	12.10.2021				
SCALE:	1" = 100'				
HORIZONTAL DATUM:	PER FDOT 36070-2512				
REVISIONS:					
NO.:	DATE & DESCRIPTION:				BY:
FILE NO.:	21-016582.001				
WORK ORDER:	21-016582				

CITY OF OCALA
CITY ENGINEER'S OFFICE
SURVEY DIVISION

1805 NE 30TH AVENUE - BUILDING 700A
OCALA, FLORIDA 34470
(352) 351-6772 (VOICE) (351) 351-6726 (FAX)

PREPARED FOR:
STORMWATER
ENGINEERING DIVISION

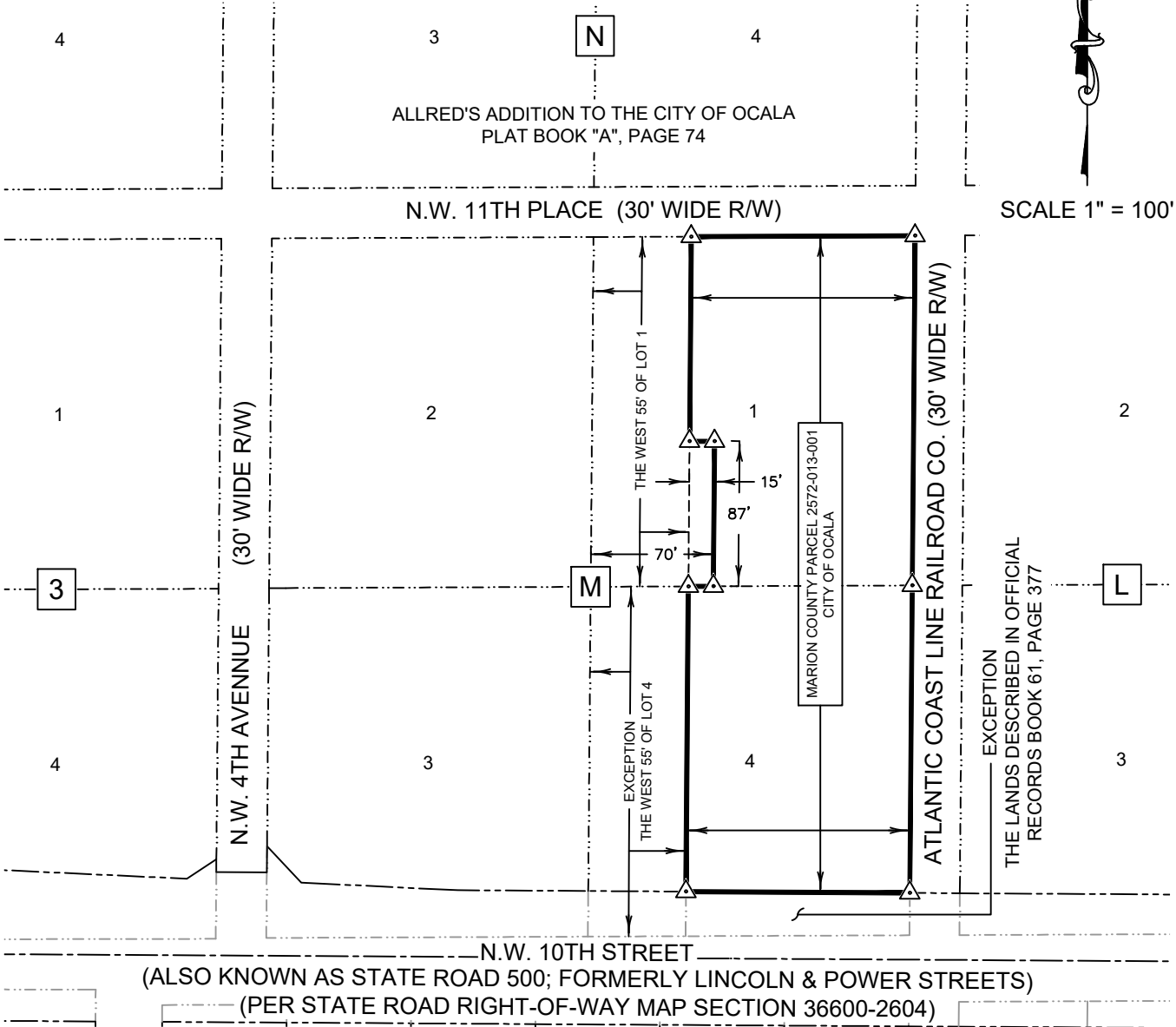
CERTIFIED TO: THE FLORIDA DEPARTMENT OF TRANSPORTATION

R. KELLY ROBERTS, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER NO. 5558
STATE OF FLORIDA DATE:

SKETCH OF DESCRIPTION



SCALE 1" = 100'



LEGEND:

- = CENTERLINE
- - - = LOT LINE
- · - · - = FORMER LOT LINE
- - - - - = RIGHT-OF-WAY LINE
- = LIMITS OF DESCRIPTION
- - - - - = FRACTIONAL SECTION LINE
- △ = DESCRIPTIVE POINT
- [G] = BLOCK IDENTIFICATION

"PROPOSED GRANT OF EASEMENT IN FAVOR OF THE FLORIDA DEPARTMENT OF TRANSPORTATION"

SECTION: 07	TOWNSHIP: 15 S	RANGE: 22 E
DRAWN: RKR	CHECKED: RKR	
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CITY OF OCALA

CITY ENGINEER'S OFFICE

SURVEY DIVISION

1805 NE 30TH AVENUE - BUILDING 700A
OCALA, FLORIDA 34470
(352) 351-6772 (VOICE) (351) 351-6726 (FAX)

PREPARED FOR:

STORMWATER

ENGINEERING DIVISION




Exhibit "B"

27-SPD04 07/02

October 5, 2021

This instrument prepared by

Robin D. Derr

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 28, Part and 29, Part

SECTION 36600-2604

P.M. NO. 3603-2021

STATE ROAD Lincoln Street (SR 492)

COUNTY Marion

Please Return To:

Fla. Department of Transportation

719 S. Woodland Blvd.

R/W Records Mgmt., MS 1-551

DeLand, FL 32720-6834

Attn: M. Yeeloy-Sanderson

QUITCLAIM DEED

THIS INDENTURE, Made this 29th day of November, 2021, by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Party of the First Part, whose address is 719 South Woodland Blvd., DeLand, FL 32720, to the CITY OF OCALA, a municipality of the State of Florida, Party of the Second Part, 601 SE. 25th Avenue, Ocala, Florida 34471.

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Party of the First Part, by action of the District Secretary, District Five, Florida Department of Transportation on November 29, 2021 pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Party of the Second Part.

NOW THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest in all that certain land situate in Marion County, Florida, viz:

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PARCEL NO. 28, PART

SECTION 36600-2604

ALL OF:

"Lot 2 and the West 55 feet of Lot 1 of Block "M", Allred's Addition to the City of Ocala, according to the plat recorded in Plat Book "A", page 74, public records of Marion County, Florida,

containing 1.21 acres, more or less.

Also: A triangular parcel in the Northwest corner of Lot 3 Block "M" Allred's Addition aforesaid, described as:

Beginning on the West line of said Lot 3 at a point 10 feet South from the Northwest corner of said Lot 3 and running North along said lot line 10 feet to said Northwest corner; thence Easterly along North line of said Lot 3 a distance of 10 feet; thence Southwesterly in a straight line of said Lot 3 a distance of 10 feet; thence Southwesterly in a straight line to the point of beginning,

Containing 50 square feet, more or less."

(Being the lands described in Official Records Book 57, Page 38, Public Records of Marion County, Florida)

AND

PARCEL NO. 29, PART

SECTION 36600-2604

ALL OF:

"The East 15 feet of the West 70 feet of the South 87 feet of Lot 1 of Block "M", Allred's Addition to the City of Ocala, according to plat recorded in Plat Book "A", page 74, public records of Marion County, Florida,

Containing .03 acre, (1305 square feet), more or less."

(Being the lands described in Official Records Book 61, Page 379, Public Records of Marion County, Florida)

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SUBJECT to all utilities in place and in use and to the maintenance thereof.

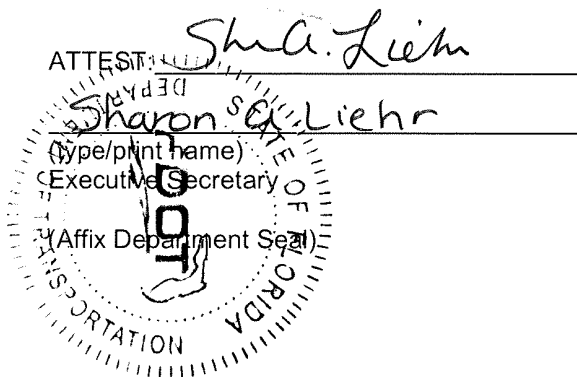
RESERVING unto the Party of the First Part, the State of Florida, Department of Transportation, a permanent, perpetual drainage easement in, over, under and through the property described in Exhibit "A" for the storm water drainage needs of the State of Florida, Department of Transportation associated with State Road 492, located in Marion County, Florida. Additionally, and not by way of limitation, Party of the First Part reserves storm water drainage capacity in said lands to satisfy all capacity and permit conditions associated with any and all future improvement of State Road 492 that may occur in the future. Party of the Second Part, the City of Ocala, shall be perpetually and solely responsible for the maintenance of the drainage system and property associated therewith. In the event the City of Ocala fails to repair, maintain, replace or reconstruct said drainage system or any damage arising out of or associated with the use of the drainage system, the State of Florida, Department of Transportation shall be entitled to perform the maintenance, repairs, replacement or reconstruction of the drainage systems and water retention areas at the expense of the City of Ocala.

REVERTER - The property herein described is to be used for storm water drainage, by the Party of the Second Part. If the property ceases to be used for the above described purpose all property rights shall revert back to the said Party of the First Part.

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

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IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Five and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.



STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

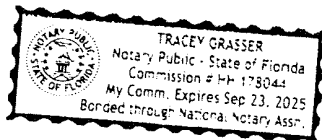
By: Jared W. Perdue, P.E.
District Five Secretary

Legal Review
[Signature]
Office of General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 30th day of November, 2021, Jared W. Perdue, P.E., District Secretary for District Five, who is personally known to me, or who has produced _____ as identification.



(Affix Notary Seal)

Tracey Grasser
Tracey Grasser
(type/print name)
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____