

CITY COUNCIL RESOLUTION NO. 2020-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA ACCEPTING A UTILITY EASEMENT FROM JON AND SHIRLEY BELL FOR THE PURPOSE OF COLLECTION AND DISTRIBUTION OF STORM WATER FROM THE GWEN LAKE ESTATES AREA.

WHEREAS, the City of Lake City, Florida, ("City"), has identified a need for an easement to collect and distribute storm water from the Gwen Lake Estates area along the boundary line of a piece of real property identified by the Columbia County Property appraiser as Parcel ID 31-3S-17-06042-000, (hereinafter the "Property"); and

WHEREAS, Jon Bell and Shirley Bell, husband and wife, (hereinafter the "Bells") are the owners of the aforementioned Property and the City has requested that the Bells grant a public utility easement to the City; and

WHEREAS, the Bells have agreed to convey a utility easement to the City and the City Council desires to accept the grant of the utility easement deed, a copy of which is attached hereto as "Exhibit A" and made a part of this resolution; and

WHEREAS, the City Council finds that it is in the best interests of the City to accept the grant of the utility easement deed from the Bells for the purpose of collecting and distributing storm water from the Gwen Lake Estates area.

(Remainder of page intentionally left blank.)

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this resolution.

Section 2. The City is hereby authorized to accept the grant of a utility easement deed from Jon and Shirley Bell for the purpose of collecting and distributing storm water from the Gwen Lake Estates area.

PASSED AND ADOPTED a meeting of the City Council this ____ day of October 2020.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney

Return to:
City of Lake City, Florida
Attn: City Clerk
205 N. Marion Street
Lake City, Florida 32055

This instrument prepared by:
Koberlein Law Offices
855 SW Baya Drive
Lake City, FL 32025

WARRANTY DEED FOR UTILITY EASEMENT

THIS INDENTURE, made this ____ day of _____, 2020, JON H. BELL and SHIRLEY R. BELL, husband and wife, who have a mailing address of 403 NW Fern Brook Loop, Lake City, Florida 32055, herein "Grantor", and City of Lake City, Florida, a municipal corporation organized under the laws of the State of Florida, which has a mailing address 205 N. Marion Street, Lake City, Florida 32055, herein "Grantee".

WITNESSETH:

That Grantor, for and in consideration of the mutual obligations herein contained, and other valuable consideration, receipt of which is hereby acknowledged, has given and granted, and by these presents does give and grant unto the Grantee, its successors and assigns, an easement on, over, under, and across real property in Columbia County, Florida, described in "Exhibit A" attached hereto and incorporated herein (the "Property").

Grantor hereby warrants and covenants, (a) that it is the owner of the fee simple title to the premises in which the above described Property is located, (b) that it has full right and lawful authority to grant and convey this easement to Grantee, and (c) that Grantee shall have quiet and peaceful possession, use and enjoyment of the Property as to Grantor's interest.

Grantor and Grantee acknowledge and agree that the Grantee shall be entitled to alter the easement for the purpose of providing, installing and maintaining utilities to collect and distribute storm water, together with all rights reasonably necessary or incident thereto, including the right of ingress and egress to and from the Property to the Grantee, its successors and assigns, for the purpose of exercising its rights provided for herein.

Grantor hereby covenants and agrees that no buildings, structures or obstacles shall be located, constructed, excavated or created within the Property. If the Property is fenced, Grantor shall install gates of sufficient width to allow for trucks and equipment to have ready access to Grantee's Property. If the gates are locked, Grantor shall provide Grantee with keys. If signs are placed upon the Property, they shall be erected in a manner not to interfere with the purposes of the Property. If Grantor's future orderly development of Grantor's adjacent premises is in physical conflict with Grantee's Property, Grantee shall, within sixty (60) days after receipt of written request from Grantor, relocate Grantee's Property to another mutually agreed upon Property in Grantor's premises, provided that such relocation is feasible based upon general accepted engineering principles, and provided that prior to the relocation of Grantee's Property: (a) Grantor shall pay to Grantee the full expected cost of the relocation as estimated by Grantee, and (b) Grantor shall execute and deliver to Grantee an acceptable and recordable easement to cover the relocated facilities. Upon completion of the relocation, the easement herein shall be considered canceled as to the portion vacated by such relocation.

[Remainder of this page intentionally left blank]

TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed under seal on the day and year aforesaid.

Signed, sealed and delivered
in the presence of:

[Signature]
Witness' Signature
Thomas Henry
Print Name

[Signature]
Witness' Signature
Nikki Starzy
Print Name

[Signature]
Witness' Signature
Thomas Henry
Print Name

[Signature]
Witness' Signature
Nikki Starzy
Print Name

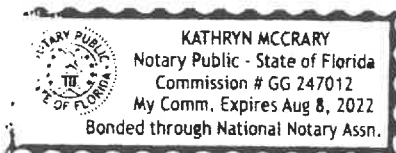
By: [Signature]
Jon H. Bell, Grantor

By: [Signature]
Shirley R. Bell, Grantor

**STATE OF FLORIDA
COUNTY OF COLUMBIA**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th day of October, 2020 by JON H. BELL and SHIRLEY R. BELL, who are personally known to me or produced ID as identification.

[Signature]
Notary Public - Signature
Kathryn McCrary
Notary Name - Printed



EASEMENT DESCRIPTION

Wednesday, August 12, 2020

For: Jon and Shirley Bell
Tax Parcel #31-3S-17-06042-000

COMMENCE at the Northwest corner of Block 9, Unit 4, Gwen Lake Estates, a subdivision recorded in the Public Records of Columbia County, Florida and run South $01^{\circ}07'54''$ East along the West line of said Unit 4, Gwen Lake Estates, a distance of 335.72 feet to the POINT OF BEGINNING; thence South $69^{\circ}05'42''$ East a distance of 65.57 feet; thence South $45^{\circ}58'49''$ East a distance of 36.30 feet; thence South $76^{\circ}51'55''$ East a distance of 52.88 feet; thence South $05^{\circ}49'43''$ East a distance of 19.66 feet; thence North $53^{\circ}03'29''$ East a distance of 43.12 feet; thence North $57^{\circ}07'55''$ East a distance of 80.65 feet; thence South $03^{\circ}26'33''$ East a distance of 45.35 feet; thence South $49^{\circ}36'08''$ East a distance of 0.52 feet; thence South $57^{\circ}07'55''$ West a distance of 57.10 feet; thence South $53^{\circ}03'29''$ West a distance of 55.24 feet; thence South $73^{\circ}14'06''$ West a distance of 49.98 feet; thence North $05^{\circ}49'43''$ West a distance of 41.84 feet; thence North $76^{\circ}51'55''$ West a distance of 35.38 feet; thence North $45^{\circ}58'49''$ West a distance of 39.17 feet; thence North $69^{\circ}05'42''$ West a distance of 41.20 feet to a point on the West line of Unit 4, Gwen Lake Estates; thence North $01^{\circ}07'54''$ West along said West line of Unit 4, Gwen Lake Estates, a distance of 43.15 feet to the POINT OF BEGINNING. Containing 0.28 acres, more or less.