

RESOLUTION 23-

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, GRANTING A PERPETUAL EASEMENT OVER A PORTION OF NW 83RD STREET EXTENSION AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 222 (NW 39TH AVENUE); AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE THE CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation (“FDOT”) proposes to resurface State Road No. 222 (NW 39th Avenue) @ NW 83rd Street Extension, Section No. 26005, F.P. No. 4470321 in Alachua County, Florida; and

WHEREAS, it is necessary that an easement across certain lands now owned by Alachua County be acquired by the FDOT; and

WHEREAS, §125.38 Florida Statutes authorizes the County to convey its interests in real property to another governmental entity, such as FDOT, without competition or advertisement; and

WHEREAS, pursuant to §125.38, Florida Statutes, FDOT has made application requesting that the County execute and deliver to FDOT a perpetual easement over said real property for the resurfacing project along State Road No. 222 (NW 39th Avenue); and

WHEREAS, a copy of FDOT’s application is attached hereto as **Exhibit A**; and

WHEREAS, said application having been duly considered, the Board of County Commissioners of Alachua County, Florida (“Board”) make the following findings: (i) the property interest requested by FDOT are not needed for County purposes; (ii) FDOT is an agency of the state of Florida and is, therefore, qualified to request conveyances of County property pursuant to §125.38, Florida Statutes; and (iii) FDOT desires the property interest for a public purpose and such purpose is in the community interest and welfare; and

WHEREAS, the Board finds that it is in the best interest of the County to convey the requested easement.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;

1. The Board finds, determines, and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.

2. The Board authorizes and directs the conveyance of the perpetual easement attached hereto as **Exhibit B** to the FDOT, for the nominal sum of One Dollar (\$1.00)

3. The Board authorizes and directs the Chair to execute the perpetual easement, and any other documents approved by the County Attorney needed to complete this conveyance.

4. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this _____ day of _____, A.D., 2023.

**BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA**

By: _____
Anna Prizzia, Chair

ATTEST:

J. K. "Jess" Irby, Esq., Clerk

APPROVED AS TO FORM

Alachua County Attorney's Office

Exhibit A



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

May 10, 2023

Alachua County
Attention: Patricia A. Green
5620 NW 120th Lane
Gainesville, Florida 32653

RE: Item/Segment Number: 4470321
State Road Number: 222 (39th Ave.)
FAP Number: N/A
County: Alachua
Parcel Number: 700/701/702/703/704/802

Dear Ms. Green:

The Florida Department of Transportation is in the process of acquiring right of way for the resurfacing project along SR 222. The easements are from NW 92nd Court to NW 43rd Street. The Department is seeking five (5) temporary construction easements for forty (40) months and one (1) perpetual easement interest from Alachua County.

Attached are copies of the Sketch, Parcel Information Sheet, and Conveyance Document to assist in the conveyance of the interest sought within the project limits.

If you should have any questions or need any further information, please feel free to contact me directly at 386-961-7410 or via email Mindy.Fletcher@dot.state.fl.us. I appreciate your assistance.

Sincerely,

Mindy Fletcher

Mindy Fletcher
Right of Way Specialist
Florida Department of Transportation
1109 South Marion Avenue, MS 2020
Lake City, FL 32025-5874
Direct: (386) 961-7410
Mindy.Fletcher@dot.state.fl.us

07-PE.11-Date: May 3, 2023

T. S. No. N/A
R/W Map Sheet No. (Sketch)
Tax Parcel No. N/A

Exhibit B

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 802.1
SECTION NO. 26005
F.P. NO. 4470321
STATE ROAD NO. 222 (39th Ave)
COUNTY OF Alachua

PERPETUAL EASEMENT

THIS EASEMENT, made this _____ day of _____, 2021, by ALACHUA COUNTY, FLORIDA, a political subdivision of the State of Florida, 12 SE 1ST Street, Gainesville, Florida 32601, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a non-exclusive perpetual easement for the purpose of constructing and maintaining ADA sidewalk improvements as well as the existing signal equipment within the proposed easement, in, over, under, upon and through the following described real property in Alachua County, Florida, together with the right to access, observe, inspect, operate, maintain, construct, improve and repair improvements located on or within said real property, to wit:"

SEE **Exhibit "A"**, attached hereto and by reference made a part hereof.

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

Grantor, as a political subdivision of the State of Florida, and Grantee, as the Department of Transportation of the State of Florida, respectively agree to be fully responsible for the negligent acts or omissions of their officers, employees, and agents. Nothing herein shall be construed as consent by either party to be sued by third parties in any matter arising out of this easement or construed as a waiver of sovereign immunity, the limits of liability, or other provisions of Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

(SEAL)

ALACHUA COUNTY, FLORIDA

By: _____
Anna Prizzia, Chair
Board of County Commissioners

ATTEST:

J.K. "Jess" Irby
Clerk of Court

APPROVED AS TO FORM

County Attorney

Exhibit "A"

Section No. 26005
F.P. No. 4470321

SR 222 (39th Ave)

Alachua County

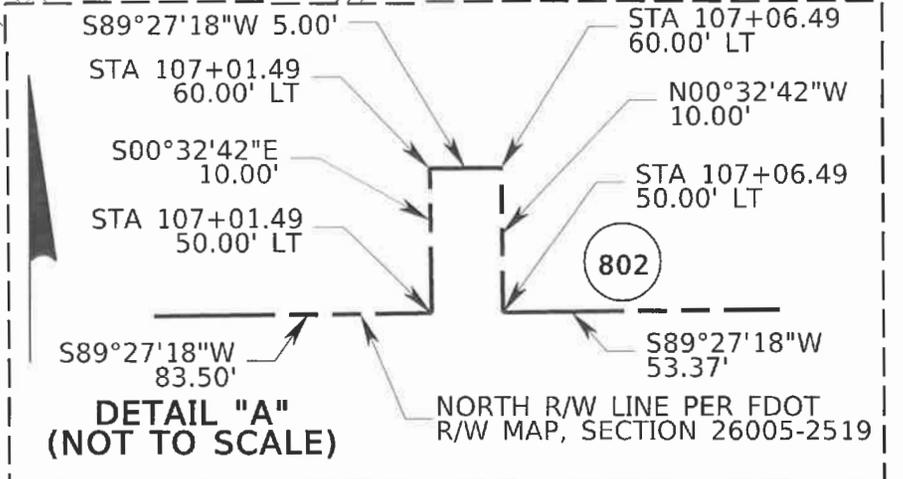
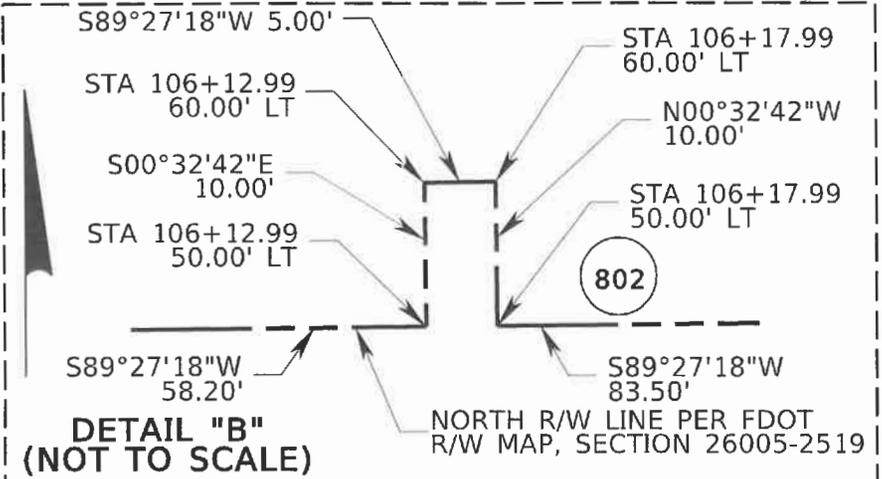
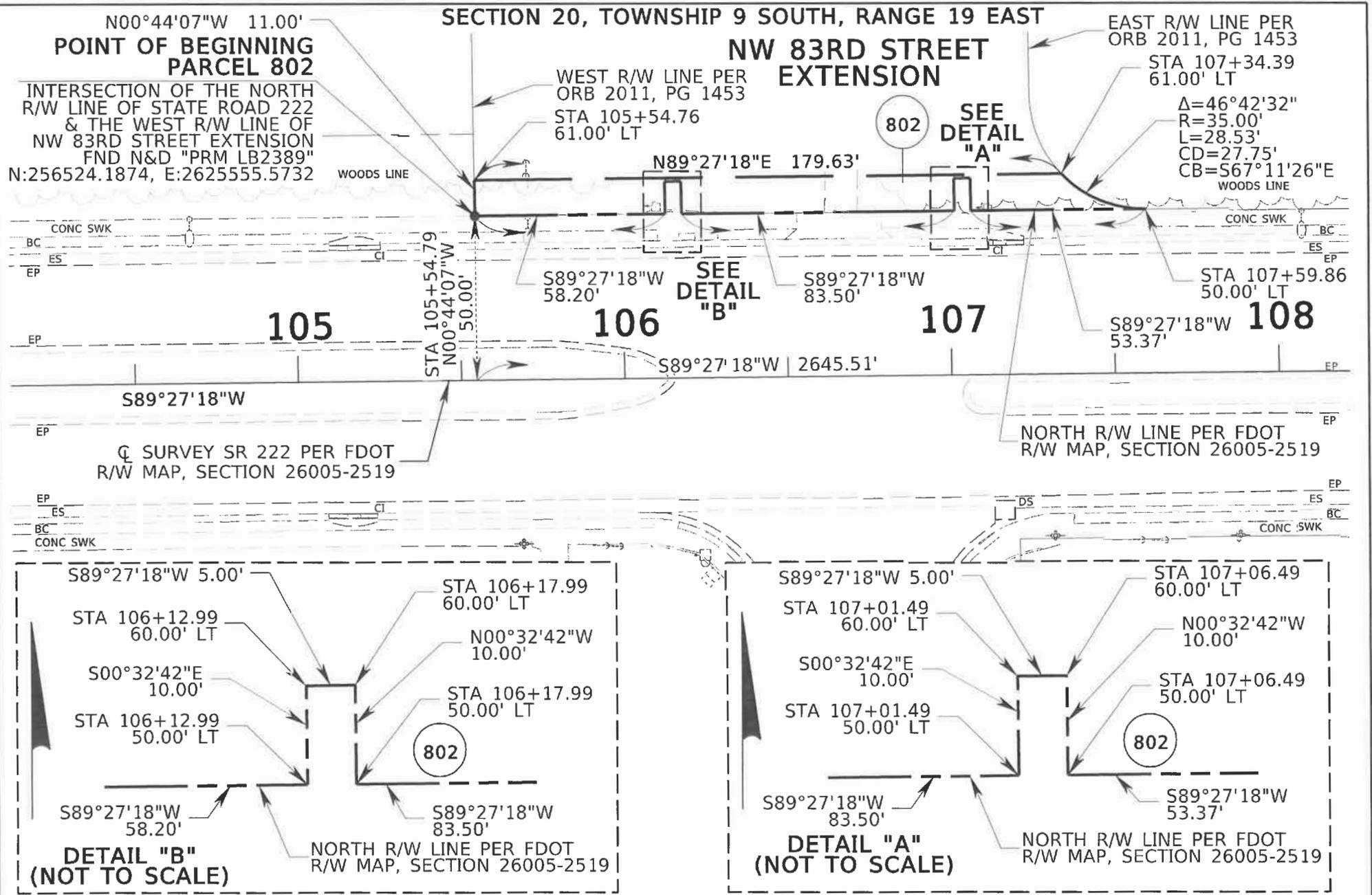
Parcel No. 802

Perpetual Easement

A Part Of Section 20, Township 9 South, Range 19 East, Being A Portion Of The Lands Described In Official Records Book 2011, Page 1453, Of The Current Public Records Of Alachua County, Florida, And Being More Particularly Described As Follows:

Commence At A Found 5/8" Iron Road With No Identification Marking The Northeast Corner Of Lot 7, Timberlane Unit 2 Replat, According To The Plat Thereof, As Recorded In Plat Book M, Page 8, Of The Current Public Records Of Alachua County, Florida; Thence North 00°11'30" West, A Distance Of 60.00 Feet To Point On The Centerline Of Survey Of State Road 222 As Shown On Florida Department Of Transportation Right Of Way Map, Section 26005-2519, Filed In The Surveying And Mapping Section Of The Florida Department Of Transportation District Two Office In Lake City, Florida; Thence South 89°48'30" West Along Said Centerline, A Distance Of 1225.37 Feet To A Point Of Intersection; Thence South 88°56'01" West Along Said Centerline, A Distance Of 5328.29 Feet To A Point Of Intersection; Thence South 89°27'18" West Along Said Centerline, A Distance Of 2645.51 Feet; Thence North 00°44'07" West, A Distance Of 50.00 Feet To The Intersection Of The North Right Of Way Line Of Said State Road 222 Per Said Right Of Way Map And The West Right Of Way Line Of Northwest 83rd Street Extension Per Official Records Book 2011, Page 1453, Of The Current Public Records Of Alachua County, Florida, Said Point Being A Found Nail And Disk Stamped PRM LB2389 And The Point Of Beginning; Thence Continue North 00°44'07" West Along Said West Right Of Way Line, A Distance Of 11.00 Feet; Thence North 89°27'18" East, A Distance Of 179.63 Feet To A Point On The East Right Of Way Line Of Northwest 83rd Street Extension Per Said Lands And The Beginning Of A Curve To The Left Having A Radius Of 35.00 Feet; Thence Along Said East Right Of Way Line And The Arc Of Said Curve, Through An Angle Of 46°42'32", An Arc Length Of 28.53 Feet And A Chord Bearing And Distance Of South 67°11'26" East, 27.75 Feet To A Point On Said North Right Of Way Line; Thence The Following Nine (9) Courses Along Said North Right Of Way Line: Thence South 89°27'18" West, A Distance Of 53.37 Feet; Thence North 00°32'42" West, A Distance Of 10.00 Feet; Thence South 89°27'18" West, A Distance Of 5.00 Feet; Thence South 00°32'42" East, A Distance Of 10.00 Feet; Thence South 89°27'18" West, A Distance Of 83.50 Feet; Thence North 00°32'42" West, A Distance Of 10.00 Feet; Thence South 89°27'18" West, A Distance Of 5.00 Feet; Thence South 00°32'42" East, A Distance Of 10.00 Feet; Thence South 89°27'18" West, A Distance Of 58.20 Feet To The Point Of Beginning.

Containing 1,962 Square Feet, More Or Less.



SEE SHEET 1 FOR LEGEND AND GENERAL NOTES SECTION 29, TOWNSHIP 9 SOUTH, RANGE 19 EAST DETAIL SHEET NOT A FIELD SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION				STATE ROAD NO. 222 (NW 39TH AVE)		ALACHUA COUNTY		
				BY	DATE	PREPARED BY: SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 8641 BAYPINE ROAD, SUITE 5, JACKSONVILLE FL. 32256 904-737-5990 (L.B. NO. 2108)	DATA SOURCE: DATABASE 2600512	
				DRAWN	E.SHAFFER	02/21/2023		
			CHECKED	R.GARDNER	03/28/2023	F.P. NO. 447032-1	SECTION 26005	SHEET 4 OF 5
REVISION			BY	DATE				