

RESOLUTION 24-

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, GRANTING A UTILITY EASEMENT OVER A PORTION OF TAX PARCEL NUMBER 03055-001-000 ALACHUA COUNTY, FLORIDA ; AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE THE CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alachua, a Florida municipal corporation, proposes to provide utility services to Tax Parcel Number 03055-001-000 owned by Alachua County, Florida; and

WHEREAS, in order to provide such utility service, the City of Alachua requires a Utility Easement over the real property described in **Exhibit A**, attached hereto, owned by Alachua County; and

WHEREAS, §125.38 Florida Statutes authorizes the County to convey an interest in real property to a municipal corporation or other organization not for profit, which may be organized for the purposes of promoting community interest and welfare, such as the City of Alachua, without competition or advertisement; and

WHEREAS, pursuant to §125.38, Florida Statutes, the City of Alachua, has made application, by virtue of a Development Order dated November 14, 2023, attached hereto as **Exhibit B**, requesting that the County execute and deliver to the City of Alachua, a Utility Easement in substantially the form attached hereto as **Exhibit C**; and

WHEREAS, said application having been duly considered, the Board of County Commissions of Alachua County, Florida ("Board") make the following findings: (i) the property interest is required by the City of Alachua for provision of utility services, and is not needed for County purposes; (ii) the City of Alachua is a municipal corporation organized for the purposes of promoting community interest and welfare and is, therefore, qualified to request conveyances of County property pursuant to §125.38, Florida Statutes; and (iii) the City of Alachua 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 Utility Easement attached hereto as **Exhibit C**, for the nominal sum of One Dollar (\$1.00).

3. The Board authorizes and directs the Chair to execute the Utility 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., 2024.

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

By: _____
Mary C. Alford, Chair

ATTEST:

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

APPROVED AS TO FORM

Alachua County Attorney's Office

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SITUATED IN SECTION 9, TOWNSHIP 8 SOUTH, RANGE 18 EAST,
ALACHUA COUNTY, FLORIDA

SKETCH - NOT A BOUNDARY SURVEY

POINT OF COMMENCEMENT

SW CORNER OF LOT 1, ALACHUA OAKS -
P.B. T, PG. 53 & NW CORNER OF LANDS
DESCRIBED IN O.R.B. 5027, PG. 1898)

TAX PARCEL: 03055-010-001

OWNER: TOMOKA HILLS FARMS INC
(LOT 1 OF P.B. "T", PG. 53)

EASTERLY R/W LINE
S 0°34'00" E 108.42'

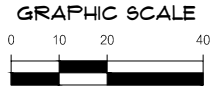
COUNTY ROAD 235-A
(STATE ROAD 235-A)(D)
(100' R/W)

POINT OF BEGINNING

P.U.E. - ±100 S.F.

L1
L2
L3
L4

TAX PARCEL: 03055-001-000
OWNER: ALACHUA COUNTY
(O.R.B. 5027, PG. 1898)



LINE DATA TABLE

LINE	DIRECTION	LENGTH
L1	S 0°34'00" E	10.00'
L2	N 89°48'45" E	10.00'
L3	N 0°34'00" W	10.00'
L4	S 89°48'45" W	10.00'

DESCRIPTION:
(SEE SHEET 2 OF 2)

TAX PARCEL: 03055-001-001
OWNER: TOMOKA HILLS FARMS INC
(PORTION OF O.R.B. 2219, PG 1139)

LEGEND:

O.R.B. = OFFICIAL RECORDS BOOK
S.F. = SQUARE FEET
P.B. = PLAT BOOK
R/W = RIGHT OF WAY

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE NORTH ZONE (903), NAD83 (NORTH AMERICAN DATUM 1983) 2011 ADJUSTMENT.

CERTIFIED TO:

ALACHUA COUNTY
CITY OF ALACHUA

SHEET NO.
1 OF 2

This map prepared by:

AARON H. HICKMAN

CERTIFICATE OF AUTHORIZATION NO. L.B. 5075

NOT VALID WITHOUT THE ORIGINAL SIGNATURE
AND SEAL OR ELECTRONIC DIGITAL SIGNATURE OF
A FLORIDA LICENSED SURVEYOR AND MAPPER

Professional Surveyor & Mapper Fla. License No. 6791

DATE:
01/30/2024

TECHNICIAN:
AHH

CHECKED BY:
AHH

PROJECT NUMBER:

22-0120

SCALE: 1" = 40'

VERIFY SCALE
BAR IS ONE HALF INCH
ON ORIGINAL DRAWING
0 1/2"
IF NOT ONE HALF INCH
ON THIS SHEET, ADJUST
SCALES ACCORDINGLY.

CHW
Professional Consultants

11801 Research Drive
Alachua, Florida 32615
(352) 331-1976
www.chw-inc.com

est. 1988 **FLORIDA**
CA-5075

EASEMENT DESCRIPTION

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN SECTION 9, TOWNSHIP 8 SOUTH, RANGE 18 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5027, PAGE 1898 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, ALACHUA OAKS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK T, PAGE 53 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5027, PAGE 1898, AND LYING ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 235-A (100' WIDE R/W); THENCE SOUTH 00°34'00" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 108.42 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 00°34'00" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°48'45" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°34'00" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°48'45" WEST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**. CONTAINING 100 SQUARE FEET, MORE OR LESS.

CERTIFIED TO:
ALACHUA COUNTY CITY OF ALACHUA

SHEET NO. 2 OF 2	This map prepared by:	AARON H. HICKMAN	DATE: 01/30/2024	 Professional Consultants	11801 Research Drive Alachua, Florida 32615 (352) 331-1976 www.chw-inc.com est. 1988 FLORIDA CA-5075	
	CERTIFICATE OF AUTHORIZATION NO. L.B. 5075	SEE SHEET ONE OF TWO	TECHNICIAN: AHH			CHECKED BY: AHH
	NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER	Professional Surveyor & Mapper Fla. License No. 6791	PROJECT NUMBER: 22-0120			

CITY OF ALACHUA Planning & Zoning Board

IN RE: *Causseaux, Hewett & Walpole, Inc.'s Application*
 On behalf of Alachua County
 For a Site Plan for a fire station totaling ±11,500 square feet
 Located on Tax Parcel Number 03055-001-000

ORDER GRANTING CAUSSEAU, HEWETT AND WALPOLE, INC.'S APPLICATION
ON BEHALF OF ALACHUA COUNTY
FOR A SITE PLAN FOR A FIRE STATION TOTALING ±11,500 SQUARE FEET
WITH CONDITIONS

On November 14, 2023, the City of Alachua Planning & Zoning Board ("Board") conducted a quasi-judicial hearing on an application for a fire station totaling ±11,500 square feet with associated drainage, paving, grading, and utility infrastructure improvements ("Development") proposed by Causseaux, Hewett, & Walpole, Inc., on behalf of Alachua County ("Applicant") (herein referred to as the "Hearing.") Based upon the competent substantial evidence presented during the Hearing, the Board finds that the Development, when developed in accordance with its terms and the conditions of approval set forth below, is:

1. Consistent with the City of Alachua's ("the City") Comprehensive Plan; and,
2. In compliance with the City's Land Development' Regulations ("LDRs.")

Accordingly, the Board voted 4 - 0 to approve the Development with the following conditions:

CONDITIONS RECOMMENDED BY STAFF AND AGREED TO BY APPLICANT:

1. The Applicant agrees it shall provide Public Utilities Easements for all City-maintained public utilities. The Public Utilities Easements shall be prepared in coordination with the City's Compliance & Risk Management Department and shall receive approval of the City's Compliance & Risk Management Director prior to being recorded in the Public Records of Alachua County and prior to the issuance of a building permit for any building activity associated with this Development Order. The Applicant shall incur all costs associated with preparing and recording the Public Utilities Easements.

Development Order for: Alachua County
 (Tomoka Hills Fire Station – 2023)
 Tax Parcel 03055-001-000

2. The Applicant agrees it shall obtain all other applicable local, state, and federal permits before the commencement of site plan work.
3. The Applicant agrees that Conditions 1 - 2 as stated above does not inordinately burden the land and shall be binding upon the property owner, including any subsequent property owners, successors, or assigns, and that the site plan shall comply with Conditions 1 - 3 as stated herein.

Attached to this Order as Exhibit "A" and incorporated by reference is the November 14, 2023 staff report submitted to the Board at the Hearing with all exhibits thereto.

DATED this 14th day of November 2023. This Order shall not be final until thirty days after the date of this Order.

City of Alachua
Planning & Zoning Board

By: _____


Sandy Burgess, Chair

Joe Hancock, Vice Chair

Accepted and filed in the Official Records
of the City of Alachua, Florida, this 14 day
of November, 2023.

By: _____


LeAnne Williams, Deputy City Clerk

Development Order for: Alachua County
(Tomoka Hills Fire Station - 2023)
Tax Parcel 03055-001-000

This instrument prepared by or under the
direction of and to be returned to:

Marian Rush
P.O. Box 9
Alachua, Florida, 32616

Tax Parcel No: **03055-001-000**
Section 09, Township 08, Range 18

E A S E M E N T

THIS EASEMENT, made this _____ day of _____, 2023, by
Alachua County, GRANTOR, whose mailing address is P.O. Box 2877, Gainesville, Florida
32602, and the City of Alachua, GRANTEE, whose post office address is P.O. Box 9, Alachua,
Florida 32616.

W I T N E S S E T H:

That the said GRANTOR, pursuant to and in accordance with Section 38-32 of the City of
Alachua Code, has given and granted, and by these presents does give and grant unto the GRANTEE,
its successors and assigns, a perpetual easement for the purpose of constructing, operating and
maintaining municipal public utility facilities including, but not limited to, electric, water, wastewater,
reclaimed water utility facilities and related appurtenances under, upon and through the following
described property in Alachua County, Florida, to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

**THIS EASEMENT SHALL BE LIMITED TO UNDERGROUND
UTILITIES AND FOR SURFACE SUPPORT FACILITIES RELATED TO
THOSE DESCRIBED IN THIS EASEMENT. NO OVERHEAD UTILITIES
SHALL BE PERMITTED.**

The rights herein granted to GRANTEE by GRANTOR specifically include: (a) the right to

construct, locate, operate, inspect, monitor, read, patrol, alter, improve, repair, rebuild, relocate and remove said facilities; (b) the right of ingress and egress to and from the Easement Area at all times; (c) the right to upgrade the quantity and type of facilities; (d) the right to clear the Easement area and keep it cleared of trees, limbs, undergrowth and other obstructions which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (e) the right to trim and cut and keep trimmed and cut any trees and undergrowth on GRANTOR's land adjacent to but outside the Easement Area which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; and, (f) all other rights and privileges reasonably necessary for GRANTEE's safe and efficient installation, operation and maintenance of said facilities.

GRANTOR hereby covenants and agrees that, except as expressly provided herein, no buildings, structures or obstacles shall be located, constructed, growing, excavated or created within the Easement Area. All openings and excavations created by GRANTEE for the purpose of examining, repairing, replacing, altering or extending the facilities will be properly filled by GRANTEE, the surface restored and the Easement area left in good and safe condition. Moveable fences and shrubs are permitted on the Easement area provided they are placed so as to allow ready access to GRANTEE's facilities and provide a working space of not less than six feet (6') from fire hydrants and manhole centers, ten feet (10') from the opening side of any pad mounted transformer, three feet (3') from water meter and valve box centers and four feet (4') from the other three sides of any pad mounted transformer. GRANTOR assumes all risk of loss to any object placed in the easement area. Further, there must be unobstructed access to fire hydrants from the roadway or closest paved surface.

GRANTOR agrees not to call upon GRANTEE to relocate its facilities unless it is determined jointly by GRANTOR and GRANTEE that such relocation is necessary for the future orderly development of the premises and such development is in physical conflict with GRANTEE's facilities. In such event, said facilities will be relocated to another mutually agreed upon Easement Area within GRANTOR's premises, provided that GRANTOR executes and delivers to GRANTEE, at no cost to the GRANTEE, an acceptable and recordable easement to accommodate the relocated facilities. The cost of such relocation will be borne solely by GRANTOR unless otherwise agreed in writing by GRANTEE.

GRANTEE shall have quiet and peaceful possession, use and enjoyment of this easement. GRANTOR shall not utilize or permit to be utilized the Easement area in any way that will interfere with GRANTEE's rights, facilities and safe operation and maintenance.

GRANTOR hereby warrants and covenants that GRANTOR is the owner of fee simple title to the premises on which the above described Easement is located and has full right and lawful authority to grant and convey this easement.

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 on the day and year aforesaid.

ALACHUA COUNTY, FLORIDA

(SEAL)

By: Mary E. Alford, Chair
Board of County Commissioners

ATTEST:

J. K. "Jess" Irby, Esq.
Clerk of Circuit Court

APPROVED AS TO FORM

County Attorney's Office

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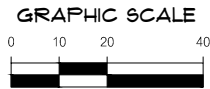
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ADJUSTMENT.

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CITY OF ALACHUA

1 OF 2

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AARON H. HICKMAN

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PROJECT NUMBER:

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SHEET NO.
2 OF 2

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