

RETURN 

THIS INSTRUMENT PREPARED BY & RETURN TO:
Fred A. Morrison
McLin & Burnsed, P.A.
Post Office Box 491357
Leesburg, Florida 34749-1357

CFN 2010027209
Bk 03884 Pgs 1920 - 1924; (5pgs)
DATE: 03/19/2010 03:16:54 PM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 44.00
DEED DOC 0.70

Utility Easement

RESERVED FOR RECORDING

THIS EASEMENT given the 9th day of March, 2010, by CFL PIZZA, LLC, whose address is 16504 Cerrillo de Avila, Tampa, FL 33613, hereafter referred to as Grantor, to THE CITY OF LEESBURG, FLORIDA, whose address is P.O. Box 490630, Leesburg, FL 34749-0630, hereafter referred to as Grantee,

WITNESSETH:

That for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid and tendered unto Grantor, receipt whereof is hereby acknowledged, Grantor does hereby grant, bargain, sell, convey and confirm unto Grantee, its successors and assigns forever, a perpetual easement over and across the following described real property:

AS DESCRIBED ON EXHIBIT "A" ATTACHED

for the purpose of construction, installation, repair, maintenance, replacement and improvement of underground or above ground utilities, including but not limited to water, sewer, reuse water, natural gas, electricity, cable television, fiber optics, and telecommunications. If Grantee damages any surface improvements in its use of this easement, it shall repair any such damage at its expense, and restore the improvements to substantially the same condition they were in prior to the damage. Grantee is also given an irrevocable license, for so long as this Easement remains in effect, to cross the adjoining real property owned by Grantor, for the purpose of conducting any activities permitted by this Easement provided that such right of passage shall not interfere substantially with Grantor's use of its adjoining property.

Grantee shall utilize this Utility Easement in such a manner so as to avoid any interruption of the operations and businesses of Grantor relating to the Easement Property, or Grantor's adjacent lands, and any tenant of the Easement Property. To avoid interference with the operations of the business, Grantee and its Responsible Parties shall restrict the hours of work within the Utility Easement to avoid any work being done between 10:00 am and 11:00 pm each day. Grantee's Responsible Parties shall avoid any intrusion into the privacy of Grantor and/or its tenants of the Easement Property and in the event that any of Grantee's Responsible Parties become aware of confidential information regarding the Grantor and/or any of Grantor's tenants of the Easement Property as a result of exercising its rights hereunder, Grantee and Grantee's Responsible Parties shall keep such information strictly confidential

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. Grantor does hereby warrant the title to the interests conveyed to Grantee hereunder and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has set his or her hand and seal the day and year first above written. As used herein, the term "Grantor" shall refer to that person, or those persons, so named above, and shall be interpreted as being singular or plural, and shall be considered to have the person, number and gender appropriate to the context of the named individuals or entities.

WITNESSES (two required)

GRANTOR: CFL PIZZA, LLC

Kudenz, Cole
Kristen Cole
(Type or print name of Witness)

BY: [Signature]
ANDREW J. ROSEN, Manager

[Signature]
Janifer Schaller
(Type or print name of witness)

STATE OF FLORIDA
COUNTY OF Osceola

BEFORE ME, the undersigned Notary Public, personally appeared Andrew J. Rosen, as Manager of CFL Pizza, LLC, who acknowledged before me that he executed this instrument on behalf of the Company on the 9 day of March, 2010, and who was either personally known to me, or who produced _____ as identification.

[Signature]
NOTARY PUBLIC
Meghan Strongrich
Type or print name of Notary

DD940893
Commission Number
Nov. 17, 2013
Commission expiration date



JOINDER & CONSENT OF MORTGAGEE

The undersigned, as holder of a mortgage or other lien on the above described property, as recorded in Official Records Book 3855, Page 1932, Public Records of Lake County, Florida, does hereby join in and consent to the granting of the easement to the City of Leesburg, Florida, and agrees that its interest in the property shall henceforth be inferior and subordinate to the easement rights herein created.

REGIONS FINANCIAL CORPORATION

BY: [Signature]
JOHN M. HUSS; SENIOR VICE PRESIDENT
Type or print name and position or title

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned Notary Public, personally appeared John M. Huss, the SENIOR VICE PRESIDENT of REGIONS FINANCIAL CORPORATION, who acknowledged before me that (s)he executed this instrument on the 18TH day of FEBRUARY, 2010, and who was either personally known to me, or who produced _____ as identification.

[Signature]
NOTARY PUBLIC

Kathy L. Lambert
Type or print name of Notary

Commission Number _____
May 31 2012
commission expiration date

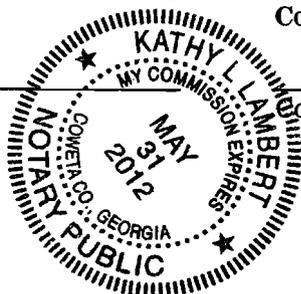


EXHIBIT "A"

PARENT PARCEL : OR. BOOK 1034, PAGE 1887, To Wit:

THAT PART OF BLOCK 42 OF ALHAMBRA VILLA, A SUBDIVISION IN THE CITY OF LEESBURG, FLORIDA, AND RECORDED IN PLAT BOOK 8, PAGE 57 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THAT PART OF THE NORTHEASTERLY 1/2 OF CARMAN DRIVE AND THE NORTHERLY 1/2 OF LYMPIA STREET DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF BLOCK 42 OF SAID ALHAMBRA VILLA, RUN THENCE NORTH ALONG THE EAST LINE OF BLOCK 42 A DISTANCE OF 74.88 FEET; THENCE WEST 204.38 FEET TO A POINT IN THE CENTERLINE OF CARMAN DRIVE; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF CARMAN DRIVE 162.38 FEET TO THE CENTERLINE OF LYMPIA STREET; THENCE ALONG THE CENTERLINE OF LYMPIA STREET 83.43 FEET TO THE EAST LINE OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF AFORESAID BLOCK 42; THENCE NORTH 30.00 FEET TO THE POINT OF BEGINNING; LESS THE EAST 7.00 FEET.

DESCRIPTION : 10' UTILITY EASEMENT,

A 10.00 FOOT WIDE, PERPENDICULAR MEASURED, PARCEL OF LAND LYING WESTERLY OF AND CONTIGUOUS WITH THE WESTERLY RIGHT-OF-WAY LINE OF 14th STREET (U.S. HIGHWAY 27) AND HAVING A RIGHT-OF-WAY WIDTH OF 80.00 FEET, ALL LYING WITHIN THE ABOVE DESCRIBED PARENT PARCEL, AS DESCRIBED IN OFFICIAL RECORD BOOK 1034, PAGE 1887, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

THE ABOVE DESCRIBED EASEMENT CONTAINS 1,148.800 SQUARE FEET OR 0.024 ACRE, MORE OR LESS.

ALSO:

DESCRIPTION : 10' UTILITY EASEMENT,

A 10.00 FOOT WIDE, PERPENDICULAR MEASURED, PARCEL OF LAND LYING SOUTHERLY OF AND CONTIGUOUS WITH THE NORTHERLY PROPERTY LINE OF THE ABOVE DESCRIBED PARENT PARCEL, AS DESCRIBED IN OFFICIAL RECORD BOOK 1034, PAGE 1887, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

THE ABOVE DESCRIBED EASEMENT CONTAINS 1,922.000 SQUARE FEET OR 0.044 ACRE, MORE OR LESS.

THE AGGREGATE AREA OF THE TWO EASEMENTS LISTED ABOVE CONTAINS 2,970.800 SQUARE FEET OR 0.068 ACRE, MORE OR LESS.

GENERAL NOTES

- 1: This is NOT A BOUNDARY SURVEY.
- 2: This sketch is to show existing site information and improvements for the sole purpose of conceptual design.
- 3: This sketch was prepared for the City of Leesburg and its design's as their interests may appear. Use of this sketch by any other parties is strictly forbidden.
- 4: Use of this sketch shown on sheet 2 for any other purpose than that stated in note (2) is the sole responsibility of the user. The City of Leesburg assumes no liability for the misuse of this information.
- 5: All information outside the labeled limits of this site is for general reference purposes only. Assumption of correctness outside of said site boundary is the liability of the user.
- 6: The Bearings, shown hereon, are relative to assumed datum and are Based on the Legal Descriptions as described in O R Book: 1034, Page 1887, all in Section 22, Township 19 South, Range 24 East, Lake County, Florida.
- 7: This sketch was prepared by the City of Leesburg, Public works Department, Survey Division, under the direction of Steven G. Davis, Electric Service Planner, for the City of Leesburg.
- 8: This sketch contains 2 sheets in which NONE are valid without all remaining sheets.

REVISIONS

DATE	DESCRIPTION
12-01-2008	Added Easement on north line of property
DDF	

SECTION: 22-19-24



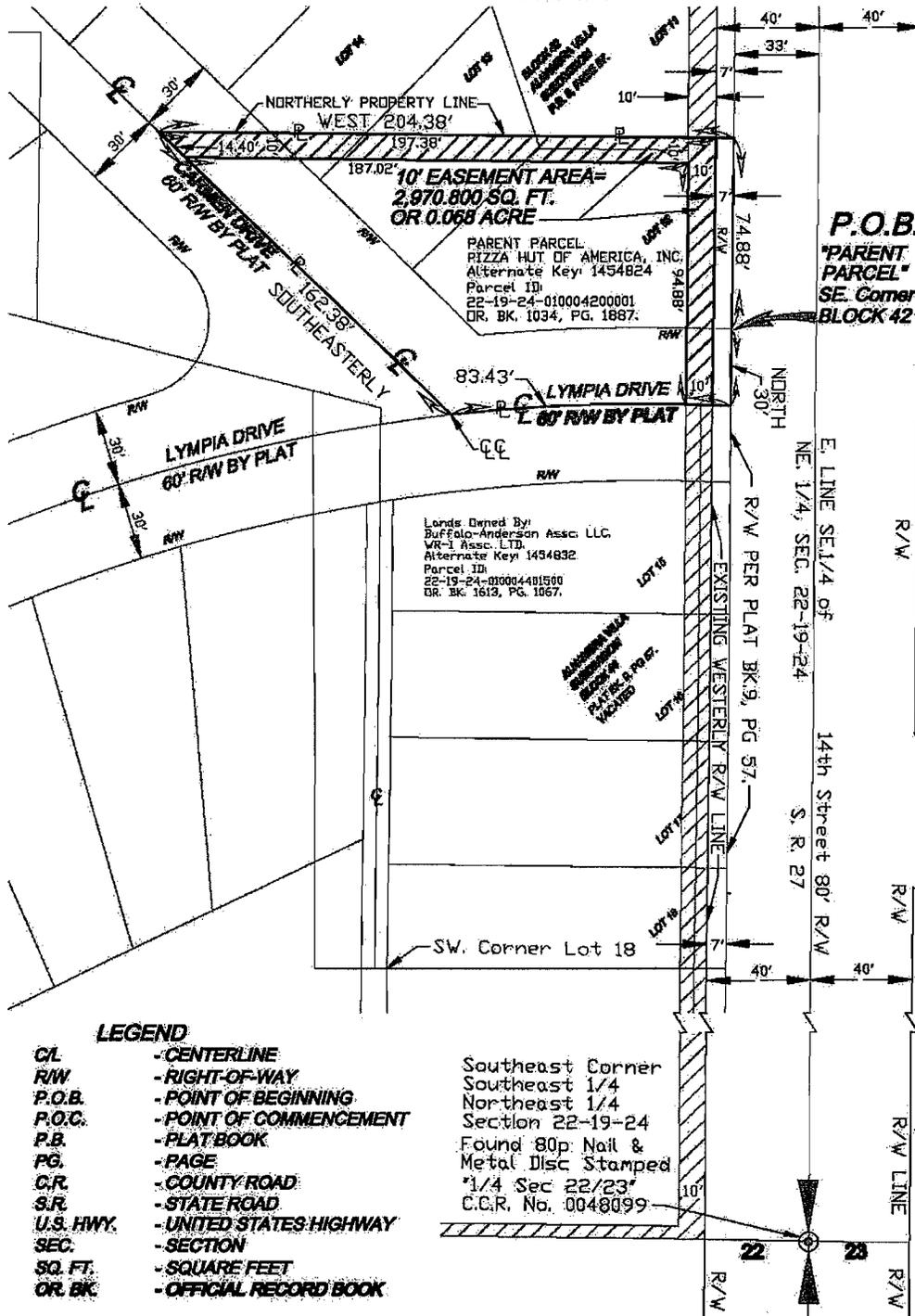
**CITY OF LEESBURG
PUBLIC WORKS DEPT.
ENGINEERING DIVISION
630 S. 14th ST. - P.O. BOX 40030
LEESBURG, FLORIDA 34749
PHONE (352) 728-9785
FAX (352) 728-9879**

**SKETCH OF DESCRIPTION
10' UTILITY EASEMENT
PIZZA HUT OF AMERICA, INC.
to the CITY OF LEESBURG**

DATE: 10/07/2009
DRAWN: DDF
CHECKED: DDF
APPROVED: AP
SCALE: NTS
FILE NO.: EA09014

SHEET NUMBER:
1
OF
2

EXHIBIT "A"



SCALE IN FEET
 1" = 60'

LEGEND

- CL - CENTERLINE
- R/W - RIGHT-OF-WAY
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PG. - PAGE
- C.R. - COUNTY ROAD
- S.R. - STATE ROAD
- U.S. HWY. - UNITED STATES HIGHWAY
- SEC. - SECTION
- SQ. FT. - SQUARE FEET
- OR. BK. - OFFICIAL RECORD BOOK

Southeast Corner
 Southeast 1/4
 Northeast 1/4
 Section 22-19-24
 Found 80p. Nail &
 Metal Disc Stamped
 "1/4 Sec 22/23"
 C.C.R. No. 0048099

REVISIONS

DATE	DESCRIPTION
12-01-2009	Added Easement on north line of prop.
DDF	

CITY OF LEESBURG
 PUBLIC WORKS DEPT.
 ENGINEERING DIVISION
 500 N. 14th ST. - P.O. BOX 400830
 LEESBURG, FLORIDA 34748
 PHONE (352) 728-6765
 FAX (352) 728-6879

SKETCH OF DESCRIPTION

10' UTILITY EASEMENT
PIZZA HUT OF AMERICA, INC.
to the CITY OF LEESBURG

DATE:	10/07/2009	SHEET NUMBER	
DRAWN:	DDF		
CHECKED:	DDF		2
APPROVED:	AP		09
SCALE:	1" = 60'		
FILE NO.:	EA09014		2

The quality of this image is equivalent to the quality of the original document.