

RESOLUTION: 08-__

**RESOLUTION OF INTENT, PURSUANT TO FLA. STAT. §125.38, TO CONVEY
A PERPETUAL EASEMENT ACROSS COUNTY-OWNED PROPERTY
TO CITY OF TALLAHASSEE**

WHEREAS, the City of Tallahassee, a Florida municipal corporation (the “City”) is a municipality of the State of Florida and desires to acquire a right-of-way easement across a portion of a property owned by Leon County, Florida (the “County”), which portion of property is described and depicted in Exhibit “A” attached hereto and incorporated herein (the “Easement Area”); and

WHEREAS, the Easement Area is proposed for use by the City for right-of-way and associated improvements including but not limited to sidewalks, utilities, traffic control system, curb, gutter and drainage improvements, in, over, across, under and through the Easement Area; and

WHEREAS, the County-owned property underlying and adjacent to the Easement Area is subject to a 99-year ground lease to Armory Board of the State of Florida, a public body corporate under the laws of the State of Florida (the “Armory Board”), and is improved with the Armory Board’s National Guard Armory facility; and

WHEREAS, it has been determined that the City’s use of the Easement Area will not interfere with the operation of the Armory Board’s facility, and the Armory Board has consented to, and will join in, the execution and conveyance of the easement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida (the “Board”), assembled in regular session this ___ day of _____, 2008, as follows:

1. That the City is a municipality under the laws of the State of Florida within the meaning of Section 125.38, Florida Statutes.
2. That the use of the Easement Area by the City for right-of-way and associated improvements including but not limited to sidewalks, utilities, traffic control system, curb, gutter

and drainage improvements on, under and across the Easement Area is for public or community interest and welfare within the meaning of Section 125.38, Florida Statutes.

3. That the conveyance of the Easement Area to the City is required for construction and maintenance of such public roadway, slopes, sidewalk, utilities, traffic control system, curb, gutter and drainage improvements, and the Easement Area will not interfere with the Armory Board's facility is not needed for any County purpose.

4. That the consideration paid to the County for conveyance of the easement shall be ZERO AND 00/100 DOLLARS (\$0.00).

5. To the extent this Resolution may conflict with any provisions of prior Board Resolutions regarding the use of the Easement Area, this Resolution shall supersede such conflicting provisions.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the ___ day of _____, 2008.

LEON COUNTY, FLORIDA

BY: _____
Jane Sauls, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney