

FEB 23 2010

This Instrument prepared by:
Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
301 South Monroe Street, Suite 217
Tallahassee, Florida 32301

LEON COUNTY PUBLIC WORKS

**GRANT OF RIGHT-OF-ENTRY TO ALLOW
RESURFACING OF ROADWAY EASEMENT**

THIS GRANT of Right-of-Entry, is made this 22 day of February, 2010 by THE VINEYARDS PROPERTY OWNERS ASSOCIATION, INC., a Florida non-profit corporation, whose mailing address is 1833 Winery Way, Tallahassee, FL 32317 (hereinafter the "Association"), to LEON COUNTY, FLORIDA, a charter county and a political subdivision of the State of Florida, whose mailing address is Leon County Public Works Department, Division of Engineering Services, 2280 Miccosukee Road, Tallahassee, FL 32308 (hereinafter the "County").

WITNESSETH:

WHEREAS, the Association is a Florida non-profit corporation established and existing for the purposes set forth in that certain Restriction Agreement for The Vineyards, dated April 27, 1983 and recorded at Book 1063, Page 1670, Official Records of Leon County, Florida, and as amended thereafter (hereinafter collectively the "Vineyards Restrictive Covenants"), and whose members consist of the owners of the lots contained within the subdivision located along the southerly right-of-way of Mahan Drive (U.S. 90) known as The Vineyards (hereinafter "The Vineyards"); and

WHEREAS, the Association, by virtue of the Grant of Easement dated April 27, 1983 and recorded at Book 1063, Page 1693, Official Records of Leon County, Florida, holds and owns an easement for ingress and egress over the roadway area lying within The Vineyards, which roadway area is legally described in Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter the "Roadway Easement"); and

WHEREAS, as a result of the Mahan Drive road widening project constructed by the State of Florida Department of Transportation (hereinafter the "FDOT"), the traffic pattern within The Vineyards will change to such an extent that resurfacing of a portion of the Roadway Easement will be required, namely to a portion of the street known as Winery Way; and

WHEREAS, the County, by virtue of a separate written agreement with the FDOT, has agreed to provide for the resurfacing of that segment of Winery Way at no cost to the Association; and

WHEREAS, the County wishes to establish by this Grant of Right-of-Entry the Association's grant to the County of a right-of-entry upon the portion of the Roadway Easement necessary for street resurfacing to be accomplished.

NOW, THEREFORE, in consideration of the County's promise to provide the street resurfacing services to the Association, and other valuable consideration given by the County to

the Association, the receipt of which is hereby acknowledged, and the mutual covenants and agreements contained herein, the Association hereby grants to the County, its employees, contractors, agents, and assigns the right and permission to enter upon the Roadway Easement for the purpose of resurfacing a segment of the street known as Winery Way (hereinafter the "Right-of-Entry"). The Right-of-Entry constitutes a license for the limited use of the Roadway Easement as set forth herein and is not intended as, nor shall it be construed as, a dedication, transfer, or conveyance of all or any part of the Roadway Easement to the County. The Right-of-Entry is granted in reliance upon the County's representation that the right to enter upon the Roadway Easement will be limited to the extent provided as follows:

1. The Right-of-Entry shall be confined to the portion of the Roadway Easement and street known as Winery Way, as depicted in the sketch and legal description attached hereto and incorporated herein as Exhibit "B", and such other portions of the Roadway Easement to the extent they are deemed necessary by the County to gain access to and prepare for such resurfacing of Winery Way (hereinafter collectively the "Street Resurfacing Area").

2. The County's use of the Street Resurfacing Area during this Right-of-Entry shall be limited to grading, base repair, and asphalt work to be undertaken by the Leon County Public Works Department and its authorized contractor (hereinafter the "Resurfacing Project") and the use of Street Resurfacing Area for the equipment and machinery necessary to complete the Resurfacing Project.

3. The Resurfacing Project shall be completed at the expense of the County and in accordance with any applicable plans on file at the Leon County Public Works Department, Division of Engineering Services, 2280 Miccosukee Road, Tallahassee, FL 32308.

4. The Association shall indemnify and hold harmless the County from any liability, costs or expense as a result of any claims against the County for damages arising from the County's occupancy of the Roadway Easement pursuant to the Right-of-Entry including, but not limited to, claims of trespass and other such claims.

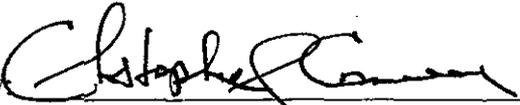
5. In no event shall the County be responsible for the ownership or maintenance of any improvements constructed or installed by the County, or its employees, contractors, agents, and assigns, upon the Roadway Easement and, upon the expiration of the Right-of-Entry, any such improvements shall become the property of the Association, and any and all maintenance thereof shall become the responsibility of the Association.

6. The Association hereby acknowledges and agrees that in no event shall any warranty for the Resurfacing Project be offered, implied, or otherwise construed by or against the County.

7. The Right-of-Entry shall become effective upon the date of execution hereof and shall terminate on December 31, 2010 or upon the completion of the Resurfacing Project, whichever date comes first.

IN WITNESS WHEREOF the Association has caused these presents to be executed in his/her name the day and year aforesaid.

THE VINEYARDS PROPERTY OWNERS ASSOCIATION, INC.,
a Florida non-profit corporation

By: 
(sign name)

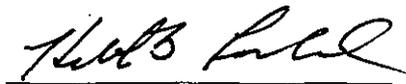
CHRISTOPHER J. CANNON
(print name)

Its: Vineyards Homeowners Assn President
(print title)

Date: 2/22/10

Witness: 

Print Name: LINDA J. SMITH

Witness: 

Print Name: Herbert B. Forehand

EXHIBIT "A"
PAGE 1 OF 2

BROWARD DAVIS & ASSOC., INC.

PLANNING • ENGINEERING • SURVEYING • DEVELOPMENT MANAGEMENT
FLORIDA • GEORGIA • ALABAMA

OR1063PC1697

BROWARD P. DAVIS, P.L.S.
JANET M. JACKSON, P.L.S.
LEE F. DOWLING, P.L.S.
LARRY E. DAVIS, P.L.S.



WALTER A. JOHNSON, P.E., P.L.S.
RUFUS L. DICKEY, JR., P.L.S.
NEVINS C. SMITH, JR., P.E.
KAREN K. BASS, P.E.

February 16, 1983

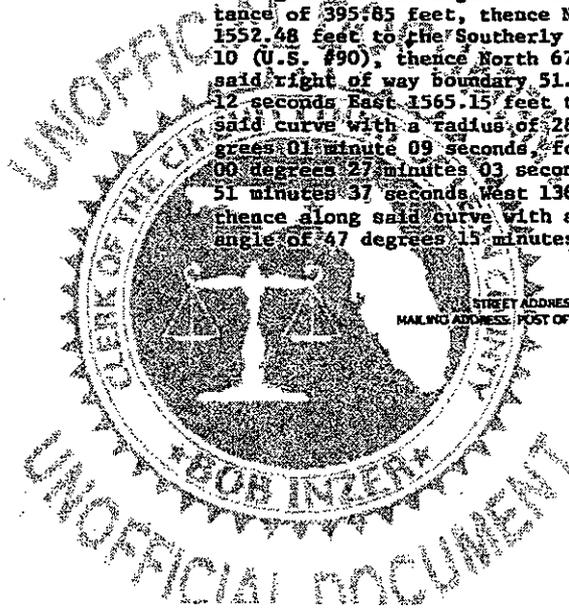
THE VINEYARDS

Roadway
(Revised)

I hereby certify that the legal description shown hereon meets the minimum requirements adopted by F.S.B.L.S.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

Commence at a pinched iron pipe located 184.42 feet North and 1170.45 feet South 67 degrees 18 minutes 32 seconds West from a concrete monument marking the Northeast corner of Section 24, Township 1 North, Range 1 East, Leon County, Florida, and run North 67 degrees 18 minutes 32 seconds East (bearing base) along the Southerly right of way boundary of State Road No. 10 (U.S. #90) a distance of 380.35 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 67 degrees 18 minutes 32 seconds East along said right of way boundary 107.08 feet, thence South 00 degrees 05 minutes 25 seconds East 2282.29 feet to a point of curve to the left, thence along said curve with a radius of 125.00 feet, through a central angle of 42 degrees 30 minutes 33 seconds, for an arc distance of 92.74 feet, thence South 42 degrees 35 minutes 58 seconds East 284.40 feet to a point of curve to the left, thence along said curve with a radius of 125.00 feet, through a central angle of 47 degrees 15 minutes 39 seconds, for an arc distance of 103.11 feet, thence South 89 degrees 51 minutes 37 seconds East 1316.90 feet, thence North 00 degrees 27 minutes 03 seconds West 1261.95 feet to a point of curve to the left, thence along said curve with a radius of 2828.27 feet, through a central angle of 08 degrees 01 minute 09 seconds, for an arc distance of 395.85 feet, thence North 08 degrees 28 minutes 12 seconds West 1552.48 feet to the Southerly right of way boundary of said State Road No. 10 (U.S. #90), thence North 67 degrees 18 minutes 32 seconds East along said right of way boundary 51.58 feet, thence South 08 degrees 28 minutes 12 seconds East 1565.15 feet to a point of curve to the right, thence along said curve with a radius of 2878.27 feet, through a central angle of 08 degrees 01 minute 09 seconds, for an arc distance of 402.85 feet, thence South 00 degrees 27 minutes 03 seconds East 1312.46 feet, thence North 89 degrees 51 minutes 37 seconds West 1367.42 feet to a point of curve to the right, thence along said curve with a radius of 175.00 feet, through a central angle of 47 degrees 15 minutes 39 seconds, for an arc distance of 144.35



STREET ADDRESS: 2114 MAHAN DRIVE (EASTWOOD OFFICE PLAZA)
MAILING ADDRESS: POST OFFICE BOX 12367 • TALLAHASSEE, FLORIDA 32301 • (904) 878-4195
EXHIBIT "A"



EXHIBIT "A"
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THE VINEYARDS
Roadway (Revised)
February 16, 1983
Page No. 2

DR1063PC169S

feet, thence North 42 degrees 35 minutes 58 seconds West 284.40 feet to a point of curve to the right, thence along said curve with a radius of 175.00 feet, through a central angle of 42 degrees 30 minutes 33 seconds, for an arc distance of 129.84 feet, thence North 00 degrees 05 minutes 25 seconds West 2083.81 feet to a point of curve to the left, thence along said curve with a radius of 200.00 feet, through a central angle of 22 degrees 36 minutes 03 seconds, for an arc distance of 78.89 feet, thence North 22 degrees 41 minutes 28 seconds West 87.16 feet to the POINT OF BEGINNING, containing 8.55 acres, more or less, and being situate in said Section 24 and in Section 19, Township 1 North, Range 2 East, Leon County, Florida.

The foregoing described property being subject to a powerline.

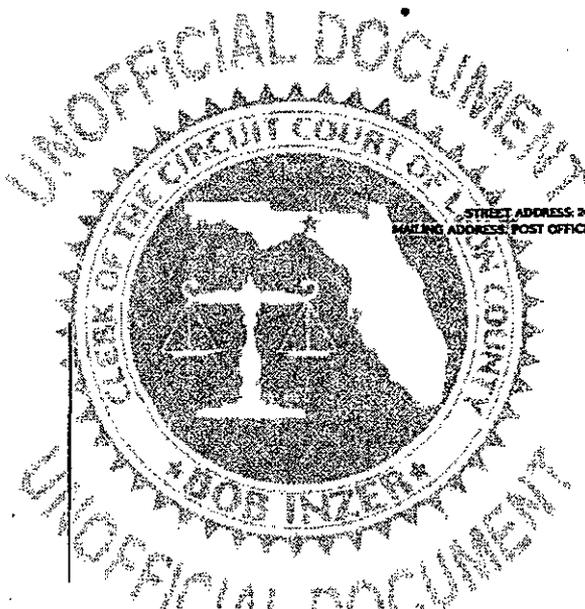
Bearings and source of information from a survey of property for Gary Cox dated December 20, 1982, Revised December 22, 1982.

A complete survey has not been performed by Broward Davis & Assoc., Inc., to verify the accuracy of this property and there has been no onsite inspection to determine if the foregoing property has any improvements or encroachments.



Janet M. Jackson
JANET M. JACKSON
Registered Florida Land Surveyor, No. 3577

BPD #71-201
FSR #2446



STREET ADDRESS: 2114 MAHAN DRIVE (EASTWOOD OFFICE PLAZA)
MAILING ADDRESS: POST OFFICE BOX 12247 • TALLAHASSEE, FLORIDA 32308 • (904) 878-1115

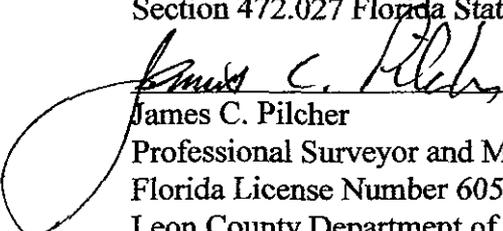
EXHIBIT "B"
Page 1 of 2

Commence at the Northwest corner of Section 19, Township 1 North, Range 2 East, Leon County, Florida and run thence North 00 degrees 04 minutes 12 seconds West 183.93 feet to a point on the southerly right-of-way boundary of Mahan Drive; thence along said right-of-way boundary North 67 degrees 18 minutes 32 seconds East 800.52 feet to a point of intersection with the westerly right-of-way boundary of Winery Road, said point being the Point of Beginning. From said Point of Beginning continue along said southerly right-of-way boundary North 67 degrees 18 minutes 32 seconds East 51.58 feet to a point of intersection with the easterly right-of-way boundary of Winery Road; thence leaving said southerly right-of-way boundary run along said easterly right-of-way boundary South 08 degrees 28 minutes 12 seconds East 1565.15 feet to a point of curve to the right; thence along said curve through a central angle of 08 degrees 01 minutes 09 seconds with a radius of 2878.27 feet for an arc distance of 402.85 feet (chord of said curve being South 00 degrees 27 minutes 03 seconds East 402.52 feet); thence leaving said easterly right-of-way boundary run South 89 degrees 32 minutes 52 seconds West 50.00 feet to a point on the westerly right-of-way boundary of Winery Road, said point being a point of curve concave to the westerly; thence along said curve through a central angle of 08 degrees 01 minutes 09 seconds with a radius of 2828.27 feet for an arc distance of 395.85 feet (chord of said curve being North 04 degrees 27 minutes 37 seconds West 395.52 feet); thence North 08 degrees 28 minutes 12 seconds West 1552.48 feet to the Point of Beginning, containing 2.25 acres, more or less.

No abstract of title or title opinion provided. It is possible that there are recorded or unrecorded deeds, easements, agreements or other instruments which could affect the boundaries hereinabove described.

A Sketch of Description attached as Exhibit "B" Page 2 of 2 and by reference incorporated herein. This description is not complete without the attached sketch and the attached sketch is not complete without the description.

This description meets all applicable requirements of the Florida Minimum Technical Standards as contained in Chapter 61G17-6 Florida Administrative Code pursuant to Section 472.027 Florida Statutes.

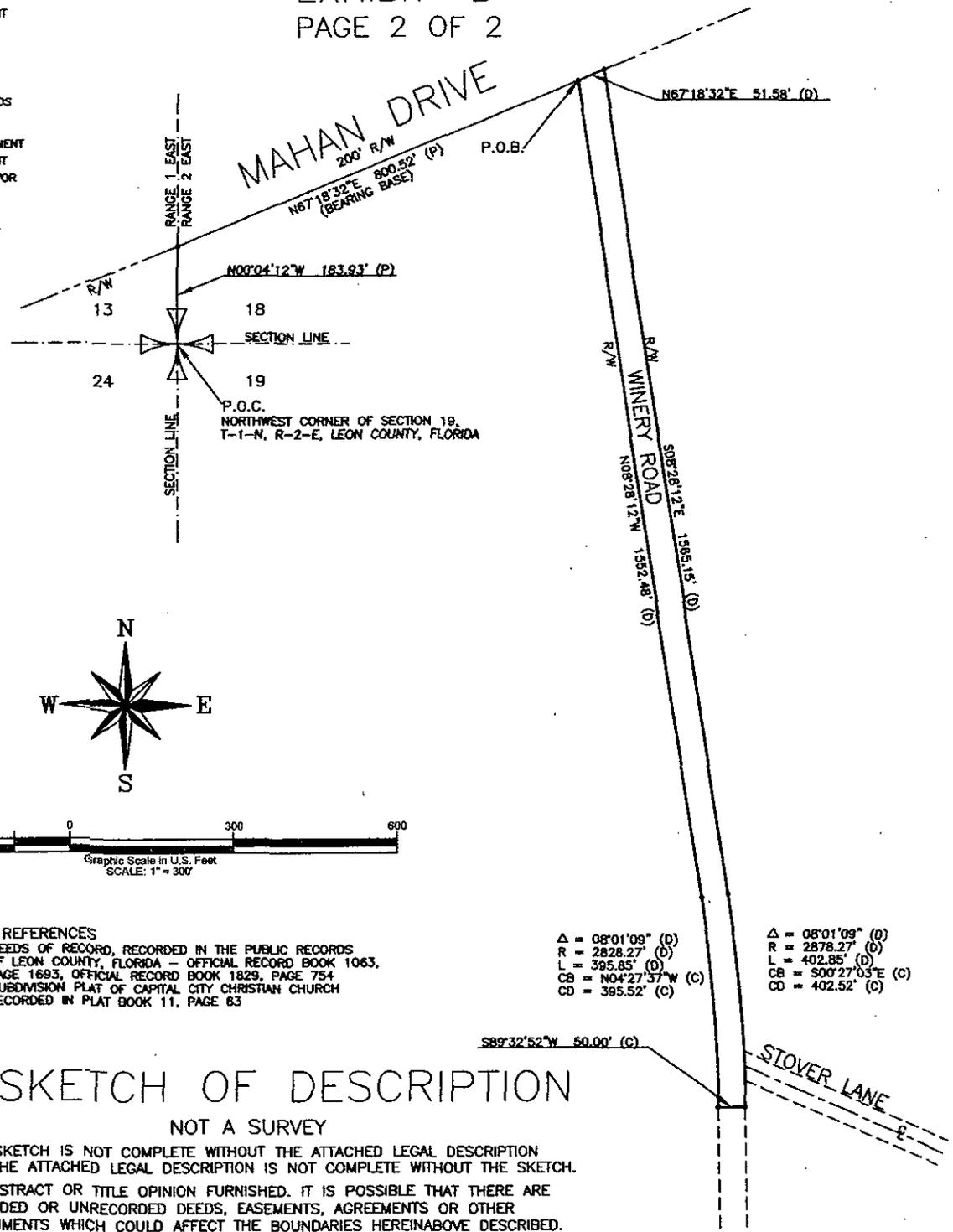

James C. Pilcher
Professional Surveyor and Mapper
Florida License Number 6059
Leon County Department of Public Works
2280 Miccosukee Road
Tallahassee, FL 32308

1/20/2010
Date

Not valid without the signature and original raised seal of the above signing surveyor

EXHIBIT "B"
PAGE 2 OF 2

- LEGEND**
- POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - N NORTH
 - S SOUTH
 - E EAST
 - W WEST
 - ° DEGREES, MINUTES, SECONDS
 - ' FEET, INCHES
 - FCM FOUND CONCRETE MONUMENT
 - SCM SET CONCRETE MONUMENT
 - RLS REGISTERED LAND SURVEYOR
 - (F) FIELD MEASUREMENT
 - (P) PLAT MEASUREMENT
 - (C) COMPUTED MEASUREMENT
 - (D) DEED
 - R/W RIGHT-OF-WAY
 - CB CHORD BEARING
 - CD CHORD DISTANCE
 - T TOWNSHIP
 - R RANGE
 - CL CENTERLINE



- REFERENCES**
- DEEDS OF RECORD, RECORDED IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA - OFFICIAL RECORD BOOK 1063, PAGE 1693, OFFICIAL RECORD BOOK 1829, PAGE 754
 - SUBDIVISION PLAT OF CAPITAL CITY CHRISTIAN CHURCH RECORDED IN PLAT BOOK 11, PAGE 63

- Δ = 08°01'09" (D)
- R = 2828.27' (D)
- L = 395.85' (D)
- CB = N04°27'37"W (C)
- CD = 395.52' (C)

SKETCH OF DESCRIPTION

NOT A SURVEY

THIS SKETCH IS NOT COMPLETE WITHOUT THE ATTACHED LEGAL DESCRIPTION AND THE ATTACHED LEGAL DESCRIPTION IS NOT COMPLETE WITHOUT THE SKETCH. NO ABSTRACT OR TITLE OPINION FURNISHED. IT IS POSSIBLE THAT THERE ARE RECORDED OR UNRECORDED DEEDS, EASEMENTS, AGREEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES HEREINABOVE DESCRIBED.

Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

DATE OF FIELDWORK:	DATE OF DRAFTING: 1-20-2010	DRAWN BY: D.K.	REVISION:
FIELDBOOK No.	FILE WINERY.DWG	CHECKED BY: J.P.	REVISION:



PREPARED BY:
LEON COUNTY PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING SERVICES
SURVEY AND RIGHT-OF-WAY SECTION
2280 MICCOSUKEE ROAD
TALLAHASSEE, FL 32308
Phone (850) 606-1500
Fax (850) 606-1501