

Project: Transfer Station Rd

ROAD RIGHT-OF-WAY EASEMENT

THIS EASEMENT, granted this ____ day of _____ 2002, by the CITY OF NAPLES, a Florida Municipal Corporation of the State of Florida, hereafter known as Grantor, whose mailing address is 735 8th Street South, Naples, Florida 34102, to COLLIER COUNTY, FLORIDA, a political subdivision of the State of Florida, its successors and assigns, hereafter known as Grantee, whose mailing address is the Harmon Turner Building, 3301 East Tamiami Trail, Naples, Florida 34112.

WITNESSETH: That the Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by the Grantee, receipt of which is hereby acknowledged, hereby conveys, grants, bargains and sells unto the Grantee, its successors and assigns, a perpetual, non-exclusive easement, license, and privilege to enter upon and to install, operate and maintain Roadway Facilities of the Grantee, as hereinafter defined, on the following described lands being located in Collier County, Florida, to wit:

See attached Exhibit "A" that is incorporated herein by reference

TO HAVE AND HOLD the same unto the Grantee and its assigns, together with the right to enter upon said lands for the purposes of constructing, operating and maintaining Roadway Facilities of the Grantee at Grantee's sole cost and expense subject to agreements that follow. Grantor and Grantee are used for singular or plural, as the context requires.

WITH respect to said right and easement hereby conveyed by the Grantor, the Grantee, by its acceptance hereof, hereby agrees as follows:

- a. Roadway Facilities of the Grantee shall mean roadway facilities, drainage facilities, and utility facilities of the Grantee consistent with the Interlocal Agreement among Collier County, the City of Naples and the City of Naples Airport Authority approved by the City of Naples on December 19, 2001.

- b. The Grantor and its successors and assigns shall have the right to use and enjoy the foregoing right and easement in common with the Grantee and others legally entitled thereto.
- c. In connection with any excavation, construction or maintenance, Grantee, at its sole cost and expense, shall promptly restore all disturbed land or improvements to the condition that existed at the time the work commenced subject to roadway facility improvements performed by and/or for the Grantee.
- d. To the extent provided by Law, the Grantee shall indemnify, defend and hold harmless Grantor from and against any and all claims arising from the failure of the Grantee to comply with the covenants and obligations set forth herein or arising out of Grantee's exercise of said right of easement but subject to limitations set forth by applicable Florida Statutes.
- e. Grantor hereby warrants that it is the present fee simple title owner of the property described in Exhibit "A" and that said parcel is presently free and clear of liens and encumbrances excepting easements, restrictions and reservations of record.

TO HAVE AND TO HOLD, the same unto Grantee, its respective successors and assigns, for the purpose aforesaid.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

GRANTOR:

CITY OF NAPLES

Witness

By: _____
Bonnie MacKenzie, Mayor

Witness

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STATE OF FLORIDA)
) ss:
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me this _____ day of _____ 2002,
by Bonnie MacKenzie, Mayor, who is personally known to me.

Notary Public Signature

Date My Commission Expires

Printed Name

Approved as to form and legality:

Robert D. Pritt, Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
OF
TRANSFER STATION ROAD EASEMENT

A PARCEL OF LAND SITUATED IN SECTION 35, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 35, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA AND RUN SOUTH 89°51'42" WEST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 35, A DISTANCE OF 50.00 FEET TO AN INTERSECTON WITH THE WESTERLY RIGHT-OF-WAY OF AIRPORT-PULLING ROAD (COUNTY ROAD NO. 31 – 100' R/W) AND THE SOUTHEAST CORNER OF EAST NAPLES INDUSTRIAL PARK AS RECORDED IN PLAT BOOK 10 PAGES 114 AND 115 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN SOUTH 00°53'30" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 97.46 FEET TO THE PONT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91°01'34" AND A CHORD BEARING AND DISTANCE OF NORTH 44°37'31" WEST, 35.67 FEET, RESPECTIVELY; THENCE RUN NORTHWESTERLY ALONG THE ARC OF THE SAID CURVE, AN ARC DISTANCE OF 39.72 FEET TO THE PONT OF TANGENCY OF SAID CURVE; THENCE RUN SOUTH 89°51'42" WEST, A DISTANCE OF 188.68 FEET; THENCE RUN NORTH 76°44'45" WEST, A DISTANCE OF 51.81 FEET; THENCE RUN SOUTH 89°51'42" WEST, A DISTANCE OF 592.27 FEET, THENCE RUN NORTH 86°24'39" WEST, A DISTANCE OF 230.74 FEET; THENCE RUN SOUTH 89°51'42" WEST A DISTANCE OF 2011.66 FEET; THENCE RUN NORTH 00°08'18" WEST, A DISTANCE OF 45.00 FEET TO AN INTERSECTION WITH SAID EAST-WEST QUARTER SECTION LINE OF SECTION 35 AND THE SOUTH LINE OF SAID EAST NAPLES INDUSTRIAL PARK; THENCE RUN NORTH 89°51'42" EAST ALONG SAID EAST-WEST QUARTER SECTION LINE AND SAID SOUTH LINE OF EAST NAPLES INDUSTRIAL PARK, A DISTANCE OF 3100.00 FEET TO THE SAID POINT OF BEGINNING.

CONTAINING 3.606 ACRES OF LAND, MORE OR LESS.

'P'/RESNEW/Naples Airport Transfer Sta Rd Easemt