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 MARTHA O. HAYNIE, COMPTROLLER  
 ORANGE COUNTY, FL  
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**UTILITIES EASEMENT**

**THIS UTILITIES EASEMENT**, made this 28th day of March, 2007, by **ROCHELLE HOLDINGS XIII, LLC, a Florida Limited Liability Company**, whose address is 1900 Summit Tower Boulevard, Suite 820, Orlando, Florida 32810 (hereinafter referred to as "Grantor") to **RICHARD J. RISSER and SHIRLEY R. RISSER, his wife**, whose address is 3620 Kelly Park Road, Apopka, Florida 32712 (hereinafter referred to as "Grantee").

**WITNESSETH:**

**WHEREAS**, Grantor is the owner of that certain real property described in Exhibit "A" attached hereto and made a part hereof (the "Easement Area"), and

**WHEREAS**, Grantee is the owner of that certain real property described in Exhibit "B" (the "Benefited Parcel"); and

**WHEREAS**, Grantor and Grantee are desirous of creating a Utilities Easement (the "Easement") in favor of Grantee to benefit the land described in Exhibit "B" for the purposes of utility service over, across and through the Easement Area for the benefit of the Benefited Parcel.

**NOW THEREFORE**, in consideration of Ten Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells, assigns, transfers and conveys to Grantee, a nonexclusive, perpetual Utilities Easement for all utilities over, across and through the real property described in Exhibit "C" for the benefit of the land described in Exhibit "B". Said Easement Area shall be presently limited to those certain utility easements as shown on the sketch annexed as Exhibit "C" running from the land described in Exhibit "B" to Golden Gem Road.

**GRANTOR RESERVES** the right to relocate the Easements at its discretion provided if, as and when utilities are brought by Grantor to within 250 feet of the land described in Exhibit "B", and Grantor stubs each of said utilities at the property line of land described in Exhibit "B".

**GRANTEE SHALL** reimburse Grantor for reasonable costs and expenses in connection with expanding the utilities to meet the then anticipated needs of the lands described in Exhibit "B". Until such time as the utilities are so stubbed, Grantor hereby grants and conveys to Grantee a temporary

easement over the Easement Area for the purpose of installing utilities from Kelly Park Road to the land described in Exhibit "B", which easement will become perpetual once said utility lines are installed. Grantee shall indemnify and hold harmless Grantor from and against any and all claims, liabilities and causes of action, in connection with the Easements and shall pay for and provide property, liability and casualty insurance naming Grantor, and its designees as the insured in connection therewith, in the minimum amount of \$2 million per occurrence and written upon a Florida licensed insurance company reasonably acceptable to Grantor.

**NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY**, in the event utilities have not been stubbed as provided above, and Grantor has conveyed to Grantee a sixty (60) foot right of way from Kelly Park Road to Parcel "B", as described in an Ingress and Egress Easement between Grantor and Grantee of even date herewith, and, in the further event electric, sewer, and water service has been extended to said sixty (60) foot right of way, Grantor, upon sixty (60) days notice to Grantee, may terminate the easements as shown on Exhibit "C". At such time, and within five (5) days of Grantor's request, Grantee shall execute a recordable Quitclaim Deed or such other documentation as may be reasonably deemed necessary by Grantor's attorney to evidence the extinguishment of the encumbrance of the Easement in the public records. Should Grantee fail to do so, Grantor shall be entitled to execute and record an Affidavit confirming that the encumbrance of the Easement has been extinguished, and such Affidavit may be absolutely relied upon without further investigation or inquiry by any and all third parties.

**TO HAVE AND TO HOLD**, said Easement unto Grantee, their heirs, beneficiaries, successors and assigns, for the purposes aforesaid. The covenants and agreements herein made shall be burdens upon and run with the property described in Exhibit "A" and shall be binding upon Grantor and its successors and assigns as the case may be. The easement right in favor of the land described in Exhibit "B" shall forever run with and be to the benefit of the land described in Exhibit "B" regardless of the owner thereof.

**IN WITNESS WHEREOF**, this instrument is executed on the day and year first above written.

witnesses:

(sign) *Robert O. Marks*  
(print) ROBERT O. MARKS

(sign) *James Welborn*  
(print) James Welborn

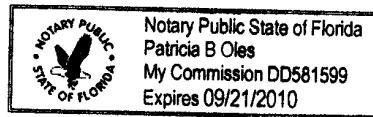
GRANTOR:  
ROCHELLE HOLDINGS XIII, LLC,  
a Florida Limited Liability Company

by: (sign) *Connie Jo Payne*  
Connie Jo Payne  
Manager Member

STATE OF FLORIDA  
COUNTY OF ORANGE

Acknowledged before me this 28<sup>th</sup> day of March, 2007, by Connie Jo Payne, Manager Member of Rochelle Holdings XIII, LLC, a Florida Limited Liability Company, on behalf of said entity.

*Patricia B. Oles*  
Notary public signature (seal or stamp)  
personally known OR  
produced as ID Fla DL



# LEGAL DESCRIPTION

A portion of the West 1/2 of Section 13, Township 20 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCING at the South 1/4 corner of Section 13, Township 20 South, Range 27 East, Orange County, Florida; thence run North 89°49'52" West, along the South line of the Southwest 1/4 of said Section 13, for a distance of 1356.86 feet; thence departing said South line, run North 00°08'41" East, for a distance of 2147.97 feet; thence run North 89°58'09" West, along the North line of the South 800 feet of the Northwest 1/4 of the Southwest 1/4 of said Section 13, for a distance of 1321.42 feet to a point on the Easterly right of way line of Golden Gem Road, as recorded in Official Records Book 61, page 315 of the Public Records of Orange County, Florida; thence departing said North line, run North 00°17'25" East, along said Easterly right of way line, for a distance of 544.78 feet; thence run North 01°08'04" East, along said Easterly right of way line, for a distance of 2603.70 feet; thence departing said Easterly right of way line, run South 89°27'40" East, along the North line of the Northwest 1/4 of said Section 13, for a distance of 1324.32 feet; thence departing said North line, run South 00°34'14" West, along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 13, for a distance of 853.16 feet; thence departing said West line, run South 89°47'15" East, for a distance of 160.19 feet; thence run South 00°12'45" West, for a distance of 30.00 feet; thence run South 89°47'15" East, along a line parallel with the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 13, for a distance of 476.16 feet; thence run South 00°17'10" West, for a distance of 395.99 feet; thence run South 89°47'15" East, along the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 13, for a distance of 668.51 feet to a point on the East line of the West 1/2 of said Section 13; thence departing said South line, run South 00°00'00" East, along said East line, for a distance of 1042.54 feet; thence departing said East line, run North 90°00'00" West, for a distance of 500.00 feet; thence run South 00°00'00" East, for a distance of 1776.11 feet; thence run South 90°00'00" East, for a distance of 500.00 feet to a point on the aforesaid East line of the West 1/2 of Section 13; thence run South 00°00'00" East, for a distance of 1185.59 feet to the POINT OF BEGINNING.

Containing 205.00 acres, more or less.

EXHIBIT "A"

## LEGAL DESCRIPTION

A portion of the West 1/2 of Section 13, Township 20 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the South 1/4 corner of Section 13, Township 20 South, Range 27 East, Orange County, Florida; thence run North 00°00'00" West, along the East line of the West 1/2 of said Section 13, for a distance of 1185.59 feet to the POINT OF BEGINNING; thence continue North 00°00'00" West, along said East line, for a distance of 1776.11 feet; thence departing said East line, run North 90°00'00" West, for a distance of 500.00 feet; thence run South 00°00'00" East, for a distance of 1776.11 feet; thence run South 90°00'00" East, for a distance of 500.00 feet to the POINT OF BEGINNING.

Containing 20.39 acres, more or less.

EXHIBIT "B"

