




May 19, 2014

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President 
SUBJECT: Revision to Access Easement, Wakulla Environmental Institute

Item Description

This item requests Board approval of a revision to the existing Access Easement and Buffer Zone Restriction at the Wakulla Environmental Institute.

Overview and Background

As part of the land purchase for the Wakulla Environmental Institute, the sellers and TCC executed an Access Easement and Buffer Zone Restriction for the connection between TCC's property and Highway 319. The agreement provided for a sixty foot wide easement for a two lane road, utilities and an adjacent fifty foot wide Natural Vegetative Buffer Zone.

As the engineering drawings neared completion, the civil engineers requested a preliminary project review by the Florida Department of Transportation. The agency added an unexpected requirement for a third lane for left turns where the new access road meets Highway 319. There is insufficient clearance for the additional turn lane, utilities and drainage swales within the existing sixty foot wide easement.

TCC staff negotiated a revision to the existing Access Easement and Buffer Zone agreement to allow installation of underground utility lines, drainage swales and construction access within the westernmost five hundred feet of the Buffer Zone. The cost for this modification is \$22,000 to be paid to the landowner by TCC.

Past Actions by the Board

The Board of Trustees approved the contracts for land acquisition for the Wakulla Environmental Institute at the February 18, 2013 Board meeting.

Funding/Financial Implications

Funding for the project was appropriated by the Legislature in the 2012 session.

Staff Resource

Teresa Smith

Recommended Action

Approve the Revision to the Access Easement and Buffer Zone Restriction, Wakulla Environmental Institute.

REVISION TO ACCESS EASEMENT AND BUFFER ZONE RESTRICTION

THIS INSTRUMENT, made this ___ day of May, 2014 between Scott Wilson Gaby and Julie B. Gaby, husband and wife, Grantor, and the District Board of Trustees, Tallahassee Community College, whose address is 444 Appleyard Drive, Tallahassee, Florida 32304, Grantee:

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Twenty Two Thousand Dollars (\$22,000.00) and other good and valuable consideration paid by the Grantee does hereby agree to amend the existing Access Easement and Buffer Zone Restriction, dated as of the 1st day of April, 2013, as described below:

The existing restriction on the 50-foot Natural Vegetative Buffer Zone shall be revised to allow installation of underground utility lines, drainage swales and construction access within the westernmost five hundred feet of the Zone.

Furthermore, incidental construction access to the existing 60-foot wide access easement shall be allowed at other locations within the Buffer Zone, provided that no trees are removed and any disturbance to land or vegetation is returned to its original state. All other terms and conditions of the original easement as executed on April 1, 2013 shall remain as before.

A copy of the original easement and relevant Exhibits are attached hereto.

The purpose of this easement is to provide additional space to accommodate utility installation and drainage swales due to the addition of a left turn lane within the existing 60-foot wide access easement. The easement will apply to all parties, heirs, assigns and grantees in perpetuity.

	GRANTOR:
WITNESSES AS TO GRANTOR:	
_____	_____
(1 st Witness – Signature)	Signature
_____	_____
(1 st Witness – Printed Name)	Signature
_____	_____
(2 nd Witness – Signature)	Printed Name
_____	_____
(2 nd Witness – Signature)	Printed Name
STATE OF FLORIDA	
COUNTY OF _____	
<p>The foregoing instrument was sworn to and acknowledged before me on this ____ day of May, 2014 by _____ and _____ who are [] are personally known to me or [] produced _____ as identification.</p>	
(Notary Seal)	

	Notary Public

	GRANTEE:
WITNESSES AS TO GRANTOR:	
_____	_____
(1 st Witness – Signature)	Signature
_____	_____
(1 st Witness – Printed Name)	Printed Name
_____	_____
(2 nd Witness – Signature)	Title

(2 nd Witness – Signature)	
STATE OF FLORIDA	
COUNTY OF _____	
<p>The foregoing instrument was sworn to and acknowledged before me on this ____ day of May, 2014 by _____ and _____ who are [] are personally known to me or [] produced _____ as identification.</p>	
(Notary Seal)	

	Notary Public

This instrument prepared by:
BRIAN J. PLANT
WAKULLA TITLE CO., INC.
P. O. Box 1022
Crawfordville, FL 32326
#19683

ACCESS EASEMENT AND BUFFER ZONE RESTRICTION

THIS INDENTURE made this 1st day of April, 2013, between **SCOTT WILSON GABY AND JULIE B. GABY, husband and wife**, Grantor, to **DISTRICT BOARD OF TRUSTEES, TALLAHASSEE COMMUNITY COLLEGE, FLORIDA**, whose post office address is 444 APPELYARD DR., CRAWFORDVILL, FL 32327, Grantee;

WITNESSETH

That the Grantor, for and in consideration of the sum of \$10.00 to them in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee(s), their heirs, successors and assigns, forever an easement for ingress and egress over, across, above and through the following described property lying, being and situate in WAKULLA County, Florida, to wit:

See Exhibit "A" attached hereto for the Access Easement, and Exhibit "B" for the 50-foot Natural Vegetative Buffer Zone.

This easement herein is issued for the purpose of ingress, egress, regress and utilities, together with the right to lay water lines and power lines either overhead or underground, and the said Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said property and has full legal right to convey said easement.

The Grantors and Grantee desire to establish the following restriction on the 50-foot Natural Vegetative Buffer Zone to run with the land:

The Grantors, their heirs and assigns forever, shall keep the land, except for that portion described as the "Signage Easement, in a natural state.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the Presence of:

Jan H. Colvin
Witness Signature

Jan H. Colvin
Witness Printed Name

Brian J. Plant
Witness Signature

Brian J. Plant
Witness Printed Name

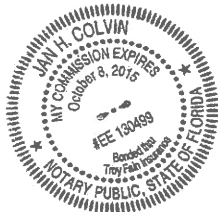
Scott Wilson Gaby
SCOTT WILSON GABY

Julie B. Gaby
JULIE B. GABY

STATE OF FLORIDA
COUNTY OF WAKULLA

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments, personally appeared **SCOTT WILSON GABY AND JULIE B. GABY**, who is personally known to me or who produced driver's license as identification, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

Witness my hand and official seal in the County and State last aforesaid this 1st day of April, 2013.



Jan H. Colvin
Notary Public, State of Florida

Thurman Roddenberry and Associates, Inc.
Professional Surveyors and Mappers

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1103

March 22, 2013

Legal Description of a 4.05 Acre Tract
Certified To: Tallahassee Community College,
Wakulla Title Co., Inc.,
Chicago Title Insurance Company

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

60.00 FOOT WIDE ACCESS AND UTILITY EASEMENT:

Commence at a concrete monument (marked #2919) marking the Northeast corner of the Southeast Quarter of Section 13, Township 4 South, Range 2 West, Wakulla County, Florida and run South 00 degrees 02 minutes 45 seconds East 1032.14 feet to a point lying on a curve concave to the Southwesterly said point also being the POINT OF BEGINNING. From said POINT OF BEGINNING run Northwesterly along said curve having a radius of 1030.00 feet, through a central angle of 70 degrees 28 minutes 25 seconds, for an arc distance of 1266.90 feet, chord being North 54 degrees 56 minutes 08 seconds West 1188.53 feet to a point lying on the Northerly boundary of the Southeast quarter of said Section 13, also being the Northerly boundary of a 60.00 foot wide access easement as recorded in Official Records Book 191, Page 350 of the Public Records of Wakulla County, Florida, thence run South 89 degrees 49 minutes 39 seconds West along said Northerly boundary (as monumented) 1596.14 feet to a point lying on the Easterly right-of-way boundary of State Road No. 10 (U.S. Highway No. 319), thence run South 00 degrees 10 minutes 21 seconds East along said right-of-way boundary 60.00 feet to a point marking the Southeast corner of said easement, thence leaving said right-of-way boundary run North 89 degrees 49 minutes 39 seconds East along the Southerly boundary of said easement 1596.14 feet to a point of curve to the right, thence run Southeasterly along said curve having a radius of 970.00 feet, through a central angle of 90 degrees 07 minutes 35 seconds, for an arc distance of 1525.81 feet, chord being South 45 degrees 06 minutes 33 seconds East 1373.30 feet, thence run North 00 degrees 02 minutes 45 seconds West 346.41 feet to the POINT OF BEGINNING containing 4.05 acres more or less.

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 records, unrecorded deeds, easements or other instruments which could affect the boundaries.


James T. Roddenberry
Surveyor and Mapper
Florida Certificate No: 4261

12-294EASE

Thurman Roddenberry and Associates, Inc.
Professional Surveyors and Mappers

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538

Fax: 850-962-1103

March 18, 2013

Legal Description of a 3.54 Acre Tract
Certified To: Tallahassee Community College,
Wakulla Title Company, Inc.,
Chicago Title Insurance Company


I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

50' WIDE BUFFER:

Commence at a concrete monument (marked #2919) marking the Northeast corner of the Southeast quarter of Section 13, Township 4 South, Range 2 West Wakulla County, Florida and run South 00 degrees 02 minutes 45 seconds East 1032.14 feet to a point lying on a curve concave to the Southwesterly said point also marking the POINT OF BEGINNING. From said POINT OF BEGINNING run Northwesterly along said curve having a radius of 970.00 feet, through a central angle of 90 degrees 07 minutes 35 seconds, for an arc distance of 1525.81 feet, chord being North 45 degrees 06 minutes 33 seconds West 1373.30 feet to a point lying on the Southerly boundary of a 60.00 foot wide access easement as recorded in Official Records Book 191, Page 350 of the Public Records of Wakulla County, Florida, thence run South 89 degrees 49 minutes 39 seconds West 1596.14 feet to a point lying on the Easterly right-of-way boundary of U.S. Highway No. 319, thence run South 00 degrees 10 minutes 21 seconds East along said right-of-way boundary 50.00 feet, thence run North 89 degrees 49 minutes 39 seconds East 1596.14 feet to a point of curve to the right having a radius of 920.00 feet, through a central angle of 90 degrees 07 minutes 35 seconds, for an arc distance of 1447.16 feet, chord being South 45 degrees 06 minutes 33 seconds East 1302.51 feet, thence run North 89 degrees 57 minutes 15 seconds East 50.00 feet to the POINT OF BEGINNING containing 3.54 acres more or less.

No Field Work has been performed to verify the accuracy of the property described hereon.

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 records, unrecorded deeds, easements or other instruments which could affect the boundaries.


James T. Roddenberry
Surveyor and Mapper
Florida Certificate No: 4261



12-294ac.3.54

EXHIBIT "B"

Thurman Roddenberry and Associates, Inc.
Professional Surveyors and Mappers

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1103

March 18, 2013

Legal Description of a 0.93 Acre Tract
Certified To: Tallahassee Community College,
Wakulla Title Company, Inc.,
Chicago Title Insurance Company

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

50' WIDE BUFFER:

Commence at a concrete monument (marked #2919) marking the Northeast corner of the Southeast quarter of Section 13, Township 4 South, Range 2 West Wakulla County, Florida and run South 00 degrees 02 minutes 45 seconds East 557.28 feet to a point lying on a curve concave to the Southwesterly said point also marking the POINT OF BEGINNING. From said POINT OF BEGINNING run Northwesterly along said curve having a radius of 1080.00 feet, through a central angle of 37 degrees 57 minutes 28 seconds, for an arc distance of 715.49 feet, chord being North 45 degrees 06 minutes 33 seconds West 702.48 feet to a point lying on the Southerly boundary of a 60 foot wide access easement as recorded in Official Records Book 191 Page 350 of the Public Records of Wakulla County, Florida, thence run South 89 degrees 49 minutes 39 seconds West along the Southerly boundary of said easement 128.46 feet to a point lying on a curve concave to the Southwesterly, thence run Southeasterly along said curve having a radius of 1030.00 feet, through a central angle of 50 degrees 49 minutes 15 seconds, for an arc distance of 913.60 feet, chord being South 45 degrees 06 minutes 33 seconds East 883.94 feet, thence run North 00 degrees 02 minutes 45 seconds East 128.46 feet to the POINT OF BEGINNING containing 0.93 acres more or less.

No field work has been performed to verify the accuracy of the property described hereon.

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 records, unrecorded deeds, easements or other instruments which could affect the boundaries.


James T. Roddenberry
Surveyor and Mapper
Florida Certificate No. 4261

12-294ac.0.93