



This instrument prepared by:  
 JAMES W. PEEPLES III, ESQ.  
 WOLFE, KIRSCHENBAUM & PEEPLES, P.A.  
 P. O. Box 757  
 Cocoa Beach, Florida 32931

RECORDED AND VERIFIED  
*William J. Wolfe*  
 CLERK, CIRCUIT COURT  
 BREVARD COUNTY, FLA.

# PGS.	4	# NAMES	2
TRUST FUNDS	2.50	RECORDING FEE	
RECEIPTS	17.00	NOTARIAL FEE	
DOCS. FEE	55	STATE FEE	
INITIALS		RECORDING FEE	
SEARCH CHARGES		CLERK'S OFFICE	
REFUNDS		Brevard Co., Florida	

SEWER EASEMENT

THIS INDENTURE, made and entered into this 29th day of May, 1987, by and between CLUB HACIENDAS CONDOMINIUM ASSOCIATION, INC., a Florida corporation not for profit (the "Grantor"), and LA CITA DEVELOPMENT, INC., a Florida corporation (the "Grantee");

W I T N E S S E T H :

WHEREAS, Grantor is the owner in fee of a tract of land in the County of Brevard, State of Florida, described as follows, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN; and

WHEREAS, Grantee is the owner in fee of a tract of land in the County of Brevard, State of Florida, described as follows, to wit:

Lots 1-6, LA CITA, SECTION 2A, according to the plat thereof, as recorded in Plat Book 33, Page 18, Public Records of Brevard County, Florida.

WHEREAS, Grantee, owner of the above described land, may construct homes upon said property, and in connection therewith Grantee has requested Grantor to provide certain facilities necessary to extend sewer service to said homes and premises and to all consumers who might be served thereby;

WHEREAS, Grantee is desirous of contracting, locating, laying, maintaining, operating, inspecting, altering, improving, repairing, removing and rebuilding pipes, mains, conduits, equipment and accessories necessary and/or desirable in connection therewith, said items being hereinafter collectively referred to as "sewer facilities" for the purpose of conveying, carrying or transmitting water through, over, across and/or under the above described land, which sewer facilities will be located within the specific easement area designated as "15' Sanitary Sewer Easement" shown on the Sketch to Accompany Legal Description (Job. No. 850177), dated June 29, 1987 attached hereto, incorporated herein and by this reference made a part hereof;

NOW, THEREFORE, for and in consideration of certain expenditures on the part of the Grantee in connection with the furnishing of service as hereinbefore indicated, and of the mutual benefits hereunder, and of the mutual covenants and conditions contained herein, the Grantor does hereby grant and convey to Grantee, over, through, across and/or under that specific easement area shown on said drawing and designated thereon, the right, privilege and easement to (1) construct, lay and locate said sewer facilities on said easement area and operate, inspect, alter, improve, maintain, repair and rebuild said sewer facilities thereon and/or remove the same therefrom, and (2) exercise the right of ingress and egress to, over and/or under said lands described in paragraph A hereinabove, at any time and all times for the purpose of exercising the rights and privileges herein granted.

TOGETHER with the rights, easements, privileges and appurtenances in and to said lands which may be required for the full enjoyment of the rights herein granted.

The parties hereto agree as follows:

1. Grantee shall have the right to construct, locate, lay, operate, inspect, alter, improve, maintain, repair, remove and rebuild said sewer facilities, together with the rights and privileges necessary and/or convenient for the full use and enjoyment thereof. Provided, however, Grantee shall restore surface areas to their previous condition in the event such areas are damaged by Grantee.

2. Grantor shall not utilize or permit the areas in which Grantee's sewer facilities are located to be used in any way or manner which would

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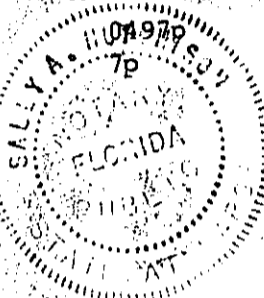
STATE OF FLORIDA )  
 ) ss:  
COUNTY OF BREVARD )

BEFORE ME, the undersigned authority, duly authorized by law to take oaths and acknowledgments, personally appeared Nancy Arbuckle, as President of LA CITA DEVELOPMENT, INC., a Florida corporation, who after being first duly sworn, acknowledged before me that she executed the foregoing instrument as such officer for the reasons and purposes therein expressed.

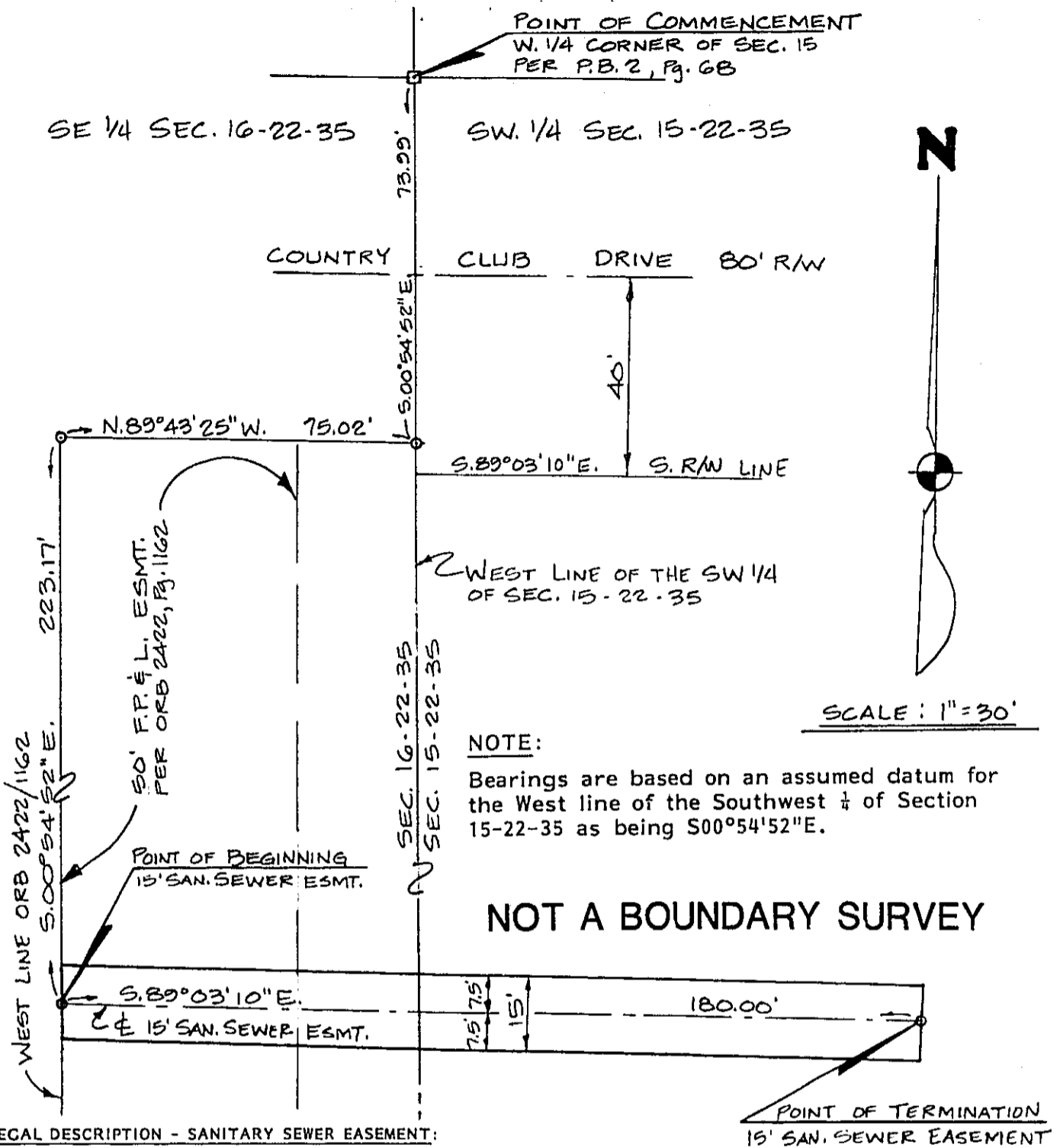
WITNESS my hand and official seal in the county and state last aforesaid on this 29 day of May, 1987.

*Sally A. Hutchinson*  
\_\_\_\_\_  
Notary Public

My commission expires: 6/22/91



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



**LEGAL DESCRIPTION - SANITARY SEWER EASEMENT:**

An easement lying in the Southwest 1/4 of Section 15 and the Southeast 1/4 of Section 16, all in Township 22 South, Range 35 East, Brevard County, Florida, being more particularly described as follows: Commence at the West 1/4 corner of said Section 15 as shown on the Plat of Re-Survey of Township 22 South, Range 35 East, Brevard County, Florida, per L.R. Paxton, as recorded in Plat Book 2, Page 68 of the Public Records of Brevard County, Florida and run S00°54'52"E along the West line of said Southwest 1/4 of Section 15 for a distance of 73.99 feet; thence run N89°43'25"W for a distance of 75.02 feet to a point lying on the West line of a 50 foot wide Florida Power and Light Company Easement as recorded in Official Records Book 2422, Page 1162 of said Public Records of Brevard County, Florida; thence run S00°54'52"E along said West line of said Easement for a distance of 223.17 feet to the Point of Beginning of the centerline of a 15 foot wide sanitary sewer easement lying 7.5 feet on both sides of the following described centerline; thence run S89°03'10"E for a distance of 180.00 feet to the Point of Termination of said centerline of said sanitary sewer easement.

For: E.K.S., Inc.  
Job No.: 850177  
June 29, 1987

**CERTIFICATION:**

I hereby certify the attached property description is true & correct to the best of my knowledge & belief as prepared under my direction.

By:

ALLEN ENGINEERING, INC.  
4202  
Robert M. Salmer  
Professional Land Surveyor  
State of Florida  
No. 4262

Not valid unless embossed with Surveyor's Seal.

305 / 783.7443  
**ALLEN** Engineering, Inc.  
P. O. Box 1321, Cocoa Beach, Florida 32931

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EXHIBIT "A"  
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