

Return to:
Rob Brzak
Engineering Department
City of Clearwater
P. O. Box 4748
Clearwater, FL 33758-4748

SIDEWALK EASEMENT

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid, the receipt of which is hereby acknowledged, and the benefits to be derived therefrom, **Habitat for Humanity of Pinellas County Inc.**, a Florida not-for-profit Corporation, whose mailing address is 13355 49th Street North, Clearwater, FL 33762 ("Grantor"), does hereby grant and convey to the **City of Clearwater, Florida**, a Florida Municipal Corporation, whose mailing address is 112 South Osceola Avenue, Clearwater, Florida 33756 ("Grantee"), its licensees, agents, successors and assigns a non-exclusive easement over, under, across and through the following described land lying and being situate in the County of Pinellas, State of Florida, to wit:

See Exhibit "A" appended hereto and by this reference made a part hereof ("Easement Premises")

This easement is for **public sidewalk** installation, repair and maintenance. The **CITY OF CLEARWATER, FLORIDA**, shall have the right to enter upon the above-described premises and to maintain thereon such sidewalk and to inspect and alter and/or replace same from time to time. Grantee shall be solely responsible for obtaining all governmental and regulatory permits required to exercise the rights granted herein.

The **CITY OF CLEARWATER, FLORIDA** covenants and agrees with Grantor that it shall promptly restore the Easement Premises and any affected areas surrounding the Easement Premises upon completion of any work activities undertaken in the exercise of these rights to at least the same quality of condition that existed as of the date Grantee first exercised any of its rights hereunder, and on each and every succeeding occasion thereafter. Grantee further represents and warrants that it shall diligently pursue the completion of all work activities in a timely manner.

The **GENERAL PUBLIC** shall have full and free use of said sidewalk at any time and all times for traveling purposes.

Grantor warrants and covenants with Grantee that Grantor is the owner of fee simple title to the herein described Easement Premises, and that Grantor has full right and lawful authority to grant and convey this easement to Grantee, and that Grantee shall have the non-exclusive, limited purpose quiet and peaceful possession, use and enjoyment of this easement. It is expressly understood that Grantor reserves all rights of ownership of the Easement Premises not inconsistent with the easement rights granted herein.

In the event Grantor, its successors or assigns, should ever determine it necessary to relocate Grantee's sidewalk constructed within the Easement Premises to facilitate further development or redevelopment of the property encumbered hereby; then Grantor, its successors or assigns, in consultation with and upon approval of Grantee, shall provide an alternate easement for the sidewalk constructed within the Easement Premises, and shall at Grantor's sole cost and expense reconstruct the sidewalk within the alternate easement. Upon completion of the sidewalk relocation Grantee shall cause this easement to be vacated and evidence of vacation duly recorded in the public records of Pinellas County, Florida.

This easement is binding upon the Grantor, the Grantee, their heirs, successors and assigns. The rights granted herein shall be perpetual and irrevocable and shall run with the land, except by the written mutual agreement of both parties, or by abandonment of the Easement Premises by Grantee.

IN WITNESS WHEREOF, the undersigned grantor has caused these presents to be duly executed this _____ day of _____, 2018.

Signed, sealed and delivered
in the presence of:

**Habitat for Humanity of Pinellas County
Inc., Grantor**

Witness signature

Michael Sutton, CEO

Print witness name

Witness signature

Print witness name

STATE OF FLORIDA :
: **SS**
COUNTY OF PINELLAS :

Before me, the undersigned authority, personally appeared Michael Sutton, as CEO of Habitat for Humanity of Pinellas County Inc., who executed the foregoing instrument, and who acknowledged the execution thereof to be his/her free act and deed personally, for the use and purposes herein set forth, and who [] is personally known to me, or who [] did produce _____ as identification.

Notary Public - State of Florida

My commission expires:

Type/Print Name

AFFIDAVIT OF NO LIENS

STATE OF FLORIDA :
 :
 :
COUNTY OF PINELLAS :

BEFORE ME, the undersigned authority, personally appeared Michael Sutton, as CEO of Habitat for Humanity of Pinellas County Inc., whom, being duly authorized does depose and say:

1. That aforesaid party is the owner of legal and equitable title to the following described property in Pinellas County, Florida, to wit:

See Exhibit A appended hereto and by this reference made a part hereof

2. That there has been no labor performed or materials furnished on said property for which there are unpaid bills for labor or materials against said property, other than those which will be paid during the normal course of business, except: (list, or if none, insert **"NONE"**. If no entry, it will be deemed that **"NONE"** has been entered.)

3. That there are no liens or encumbrances of any nature affecting the title of the property herein described, except easements and restrictions of record, any encroachments, overlaps or other rights of third parties which would be shown by a current survey, except: (list, or if none, insert **"NONE."** If no entry, it will be deemed that **"NONE"** has been entered.)

4. That no written notice has been received for any public hearing regarding assessments for improvements by any government, and there are no unpaid assessments against the above described property for improvements thereto by any government, whether or not said assessments appear of record.

5. That there are no outstanding sewer service charges or assessments payable to any government.

6. That the representations embraced herein have been requested by the **CITY OF CLEARWATER**, its agents, successors and assigns to rely thereon in connection with the granting of the easement herein being conveyed to encumber the above-described property.

Signed, sealed and delivered
in the presence of:

**Habitat for Humanity of Pinellas County
Inc., Grantor**

Witness signature

Michael Sutton, CEO

Print witness name

Witness signature

Print witness name

STATE OF FLORIDA :
: ss
COUNTY OF PINELLAS :

Before me, the undersigned authority, personally appeared Michael Sutton, as CEO of Habitat for Humanity of Pinellas County Inc., who executed the foregoing instrument, and who acknowledged the execution thereof to be his/her free act and deed personally, for the use and purposes herein set forth, and who [] is personally known to me, or who [] did produce _____ as identification.

Notary Public - State of Florida

My commission expires:

Type/Print Name