

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LAND EASEMENT

SECTION: 89030-2523
WPI NO: 4116145
FAP NO: BRS-4921(1)
STATE ROAD: 707 (A-1-A)
COUNTY: Martin

NO. 00017(3830-43)

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor.

WITNESSETH: That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to the FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the Grantee, an easement on, under and across the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section(s) 32, Township 37 South, Range 41 East, in the Storm Creek, Martin County, more particularly described and shown on Attachment(s) A, dated February 5, 1987.

TO HAVE THE USE OF the hereinabove described premises for a period of 30 years from October 27, 1987, the effective date of this easement. The terms and conditions on which this easement is granted are as follows:

1. That the above described parcel of land shall be used solely for the replacement of a bridge across Storm Creek and that the Grantee shall not engage in any activity except as described in the Florida Department of Environmental Regulation Permit No. 431090528 dated September 10, 1985, attached hereto as Attachment(s) B, and made a part hereof.
2. That said easement be granted for public highway purposes only under the supervision of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION or such county or city as may succeed to jurisdiction over the highway.
3. In the event the land herein described shall cease to be used for said purposes, then the easement hereby granted covering said land shall terminate without notice from the Grantor.
4. The rights hereby conferred shall be subject to (a) any and all prior rights of the United States; and (b) any and all prior grants by the Grantor in and to submerged lands situated within the limits of the easement hereinabove described.

5. The Grantee agrees that upon expiration of this easement, all permission granted upon the hereinabove described lands shall cease and terminate, the Grantee shall remove all structures and equipment occupying said lands and erected thereon at the Grantee's expense.

6. Renewal of this easement is at the sole option of the Board of Trustees or its legally designated agent. Such renewal is subject to the terms, conditions and provisions of current management standards and applicable laws, rules and regulations in effect at that time. The Grantee shall apply for renewal of this easement by submitting a written statement to the Grantor at least 30 days before the expiration date of said easement. If the Grantee fails to apply for a renewal within this timeframe, or in the event the Board does not grant a renewal, the Grantee shall vacate the premises and remove all structures and equipment occupying and erected thereon at his expense.

7. That no title to said land is conferred by this instrument.

8. That the Grantee herein will not damage said lands or unduly interfere with public or private rights therein.

9. The Grantee hereby covenants and agrees to investigate all claims of every nature at its expense, and to indemnify, defend and hold and save harmless the Grantor and/or the State of Florida from all claims, actions, lawsuits and demands arising out of this easement, to the extent allowed by law.

10. Grantor and Grantee agree that Grantor has venue privilege as to any litigation arising from matters relating to this easement. Therefore, any such litigation between Grantor and Grantee shall be initiated only in Leon County, Florida.

11. The Grantee hereby agrees that the above described parcel of land shall be subject to inspection by the Grantor or its designated agent at any reasonable time.

12. This easement shall be non-exclusive. The Grantor, or its duly authorized agent, shall retain the right to enter the lands subject to the easement and to engage in management activities not inconsistent with the uses herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of the easement agreement.

13. That the Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns, running with the land.

14. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor after notice in writing to the Grantee. Upon receipt of such notice the Grantee shall undertake to correct such noncompliance(s) or violation(s) for which the Grantor has given notice within thirty (30) days of receipt of the notice or the Grantor, at its option, shall be entitled to terminate this easement and, if terminated, all of the above described parcel of land shall revert to the Grantor.

15. This easement agreement is subject to the automatic reversion to the Grantor of the easement and the cessation and termination of this easement agreement when, in the opinion of

the Grantor, the easement is not utilized for the purposes outlined in this easement agreement, and any costs or expenses arising out of the implementation of this clause shall be borne completely, wholly and entirely by the Grantee.

16. The State Lands Administrator, Submerged Lands Section, Bureau of State Lands Management, shall be the Contract Manager.

17. NOTICE: The erection of any permanent or temporary structures, including but not limited to additions to the approved structures, all structures whose use is not water-dependent, fences, docks or pilings, without consent or authority from the Board, shall be a violation of Chapter 253, Florida Statutes, and subject to administrative fines under Rule 18-14, Florida Administrative Code.

18. Grantee shall record a fully executed easement instrument in the official records of the county in which the land is located and furnish the Board with a copy of the recorded easement indicating the book and page at which the easement is recorded. _____

IN TESTIMONY WHEREOF, the legally designated agent of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, has hereunto subscribed his name and has caused the official seal of the Board to be hereto affixed, in the City of Tallahassee, on this 17th day of January, A.D., 1989.

TO BE COMPLETED BY GRANTOR OR LAWFULLY DESIGNATED AGENT

(SEAL)

Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

WITNESS:

Virginia S. Curry
Patricia J. Scott

By:

P. W. Mallison, Jr.

DIRECTOR, DIVISION OF STATE LANDS DEPARTMENT OF NATURAL RESOURCES, AGENT FOR THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

STATE OF FLORIDA
COUNTY OF LEON

Before me personally appeared Percy W. Mallison, Jr. to me well known and known to me to be the person who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 17th day of January, A.D., 1989.

My commission expires:
Notary Public, State of Florida

My Commission Expires May 24, 1990
Bonded Thru Troy Fain - Insurance Inc.

Diane C. Rogowski
Notary Public
State of Florida at Large

APPROVED AS TO FORM AND LEGALITY:

Ernest M. Cullen, Jr.
DNR Attorney

Carolyn Thompson
DNR Contract Manager
Standard
DNR Contract Administrator

TO BE COMPLETED BY GRANTEE OR LAWFULLY DESIGNATED AGENT

Accepted this 15th day of December, 1988.

STATE OF Florida

COUNTY OF Broward

WITNESS:

Patricia L. Zack
Deborah A. Harris

DEPARTMENT OF TRANSPORTATION
GRANTEE

Rich Chason
Original Authorized Signature
DISTRICT SECRETARY
Title of Executing Authority

780 SW 24 STREET
Address
FT. LAUDERDALE, Florida
City and State

Before me personally appeared Rich Chason to me well known and known to me to be the person who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 15th day of December, A.D., 1988.

My commission expires:

Notary Public, State of Florida

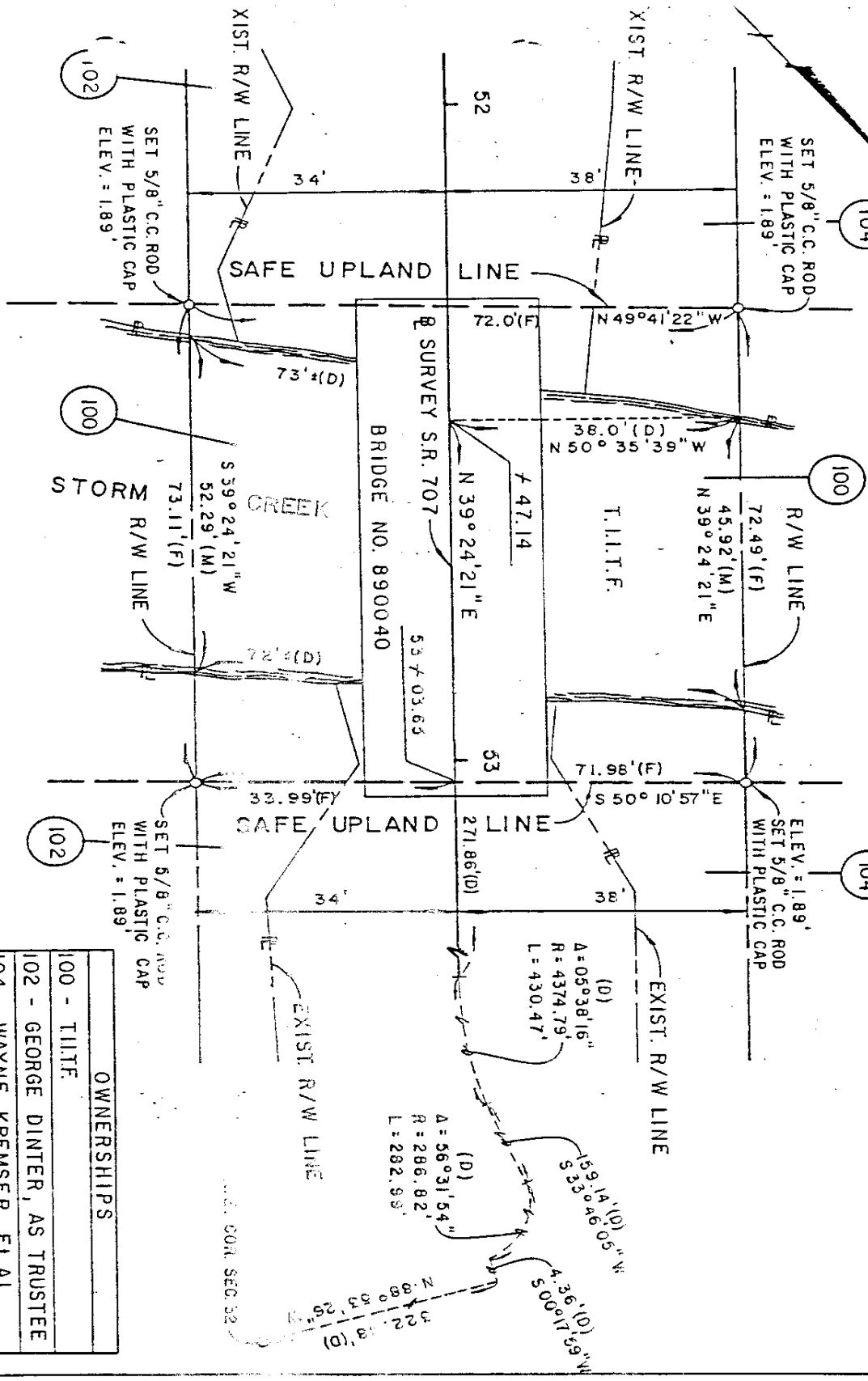
My Commission Expires May 25, 1989
Bonded Thru Troy Fain - Insurance, Inc.

Margaret Leo
Notary Public
State of Florida at Large

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Easement No. 00017 (3830-43)

Karen Kamen
ATTORNEY

APPROVED AS TO FORM



I HEREBY CERTIFY: That this Map, consisting of 1 sheet is a true and accurate depiction of a field survey performed for the Florida Department of Transportation in 1986, by William D. DeLlOsso Florida Registered land surveyor No. 4233 survey being shown and certified in field book 1033703. I FURTHER CERTIFY that, to the best of my knowledge and belief, this Map is true and accurate and meets the minimum technical requirements for boundary surveys as set forth in rule 21ff-6 as adopted by the Florida board of land surveyors on September 1, 1981.

By: William D. DeLlOsso

Registered land surveyor (No. 3503), State of Florida
 Date: 2-5-87

OWNERSHIPS
100 - T.I.I.T.F.
102 - GEORGE DINTER, AS TRUSTEE
104 - WAYNE KREMSER, ET AL.

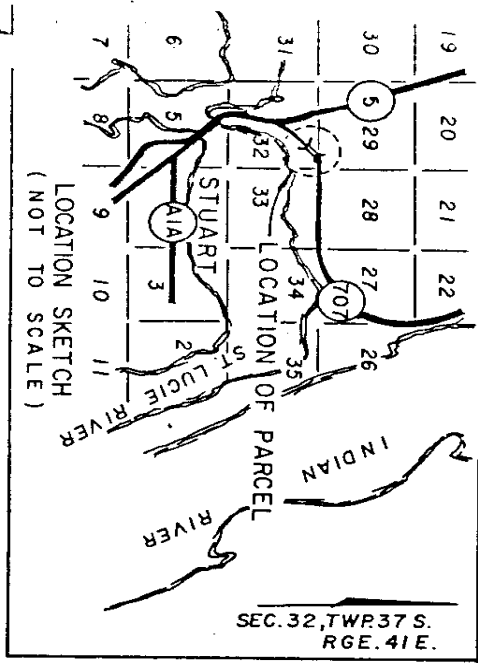
STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION

PARCEL SKETCH FROM OFFICIAL RIGHT OF WAY MAP OF SECTION 89030-2523, STATE ROAD 707 (A-1-A) IN MARTIN COUNTY, FLORIDA

DATED 9/11/80 REVISED _____

SHOWING RIGHT OF WAY OR EASEMENT RIGHTS IN RELATION TO PROPERTY OF _____

SCALE: 1" = 20' DRAWN BY: McConn DATE: 1/21/87



NOTES:

BEARING REFERENCE - BEARING TAKEN FROM D.O.T. R/W MAP 8901-(1111) 205

ACCURACY OF SURVEY - 1:10,607 (SEE D.O.T. FIELD BK. NO. 1033703)

MONUMENTATION - SET 5/8" COPPER COATED RODS WITH PLASTIC CAP STAMPED FLA. D.O.T. AT 4 CORNERS

BENCH MARK DATUM AND DESCRIPTION - B.M. NO. L-236, ELEV. 9.04. C. & G.S. DISK ON STEEL ROD (PG. 12, QUAD BOOK NO. 270802 VERTICAL) FROM D.O.T. FIELD BOOK NO. 1015529 PG. 38

SAFE UPLAND LINE ELEV. WAS DETERMINED BY FIELD OBSERVATION OF TIDAL HIGH WATER MARK ON BRIDGE PILING & VEGETATION. (SEE D.O.T. FIELD BOOK NO. 1033703)

APPROVED - FLDNR / BSM

Date: 1 APR 88

AS OF THE DATE

OF SURVEY 5 FEB 87

LEGAL DESCRIPTION

That part of the submerged lands, sand bars, fills, islands and other lands in Storm Creek in Section 32, Township 37 South, Range 41 East, Martin County, Florida, said part being more particularly described as follows:

Commence at the Northeast corner of said Section 32; thence N 89° 53' 26" W along the North line of said Section 32 a distance of 322.48 feet; thence S 00° 17' 59" W a distance of 4.36 feet to the beginning of a non-tangent curve concave Southeastery having a radius of 286.82 feet and a chord bearing of S 62° 02' 17" W; thence Southwesterly along said curve through a central angle of 56° 31' 54" an arc distance of 282.99 feet to the end of said curve; thence S 33° 46' 05" W a distance of 159.14 feet to the beginning of a tangent curve concave Westerly having a radius of 4374.79 feet; thence Southwesterly along said curve through a central angle of 05° 38' 16" an arc distance of 430.47 feet to the end of said curve; thence S 39° 24' 21" W a distance of 271.86 feet; thence N 50° 35' 39" W a distance of 38.00 feet to the waters edge of Storm Creek and the POINT OF BEGINNING; thence N 39° 24' 21" E a distance of 72.49 feet to a point on the Easterly safe upland line of Storm Creek; thence Southeastery along said safe upland line of Storm Creek a distance of 798 feet; thence S 39° 24' 21" W a distance of 73.11 feet to a point on the Westerly safe upland line of Storm Creek; thence Northwesterly along said upland line of Storm Creek a distance of 7200 feet to the POINT OF BEGINNING.

Containing 5,240 square feet, more or less.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHEAST FLORIDA
DISTRICT

P. O. BOX 3858
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33402 3858



BOB GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY
ROY M. DUKE
DISTRICT MANAGER

NOTIFICATION OF GENERAL PERMIT

Date: September 10, 1985

Project Name FDOT/Project No. 89030-3523 File # 4301090528

Florida Administrative Code (F.A.C.) Chapter 17-4 approves the permitting of this type of project under a general permit. We have reviewed your project and found it qualifies for a general permit. As such, we are returning any fee sent in along with spare plans and applications. No further approval of this project is needed from this agency; however, federal or local permits may be required.

This project qualifies for a general permit subject to general conditions as specified in F.A.C. Rule 17-4.54, and the specific conditions as indicated (both enclosed):

GENERAL PERMIT TO - <u>AGENCY/PROJECT</u>	<u>F.A.C. #</u>
<u> </u> U.S. Forest Service	17-4.55
<u> </u> Florida Game & Fresh Water Fish Commission	17-4.56
<u> </u> Boat Ramps	17-4.57
<u> </u> Riprap	17-4.58
<u> </u> Headwalls & Culverts	17-4.59
<u> </u> Laundromat Wastewater Disposal	17-4.60
<u> </u> Solid Waste Transfer Stations	17-4.61
<u> </u> Wastewater Collection System	17-4.62
<u> </u> Water Distribution System	17-4.63
<u> </u> Land Application of Domestic Wastewater Treatment Sludge	17-4.64
<u> X </u> D.O.T. for Minor Works Within Their Existing R.O.W. on Easements	17-4.66
<u> </u> Certain Silviculture Operations	17-4.67
<u> </u> Construction of Artificial Reefs	17-4.68
<u> </u> Certain Piers and Associated Structures	17-4.69
<u> </u> Certain Agricultural Operations	17-4.70

Enclosure(s)

cc: Local Program -
Project Engineer -

(f / 3b GENERAL PERMIT)
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

ATTACHMENT B
PAGE 7 OF 15 PAGES
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qualifying for the use of a general permit are not required to but may publish in a newspaper of general circulation in the area affected by the proposed project a notice of intent to use a general permit. The notice, if published, shall follow substantially the format in Fla. Admin. Code Rule 17-1.62 and shall be published within 14 days of the date when the department receives notification pursuant to Rule 17-4.53(1). No person who has published notice shall begin work until after the 21 days for requesting a hearing has passed or a hearing is held and a decision is rendered. Specific Authority: 403.814(1), F.S. Law Implemented: 253.123, 253.124, 258.165, 403.061, 403.087, 403.088, 403.702-403.73, 403.814, 403.851-403.864, F.S. History: New 7-8-82, Amended 6-16-84.

17-4.54 General Conditions for All General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this Part are "general and specific permit conditions" and are binding upon the permittee. The conditions are enforceable under Chapter 403, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The permittee is placed on notice that violation of the permit may result in suspension or revocation of the permittee's use of the general permit and may result in institution of legal proceedings as the Department may consider appropriate.

(3) The general permit does not convey any vested rights or any

exclusive privileges. It does not authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state or local laws or regulations. It does not obviate the necessity for obtaining any other federal, state or local permits that may be required or operate to allow the permittee to violate any more stringent standards established by federal or local law.

(4) The general permit does not relieve the permittee from liability and the penalties therefore when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(5) The general permit conveys no title to land or water, nor does it constitute State recognition or acknowledgement of title. It does not constitute authority for reclamation of submerged lands. Only the Board of Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(6) No general permit shall authorize the use of state owned land without the prior consent of the Board of Trustees of the Internal Improvement Trust Fund pursuant to Section 253.77, F.S.

(7) The general permit may be modified, suspended or revoked in accordance with Chapter 120, Florida Statutes, if the Secretary determines that there has been a violation of any of the terms or conditions of the permit; there has been a violation of state water quality

17-4.53(6) -- 17-4.54(7)

12-19-84

standards or state air quality standards; or the permittee has submitted false, incomplete or inaccurate data or information.

(8) The general permit shall not be transferred to a third party except pursuant to Fla. Admin. Code Rule 17-4.12.

(9) The general permit authorizes construction and where applicable operation of the permitted facility. However, the permittee shall give notice of continued use of a general permit thirty (30) days before the expiration of this permit.

(10) The permittee agrees in accepting the general permit to make every reasonable effort to conduct the specific activity or construction authorized by the general permit in a manner that will minimize any adverse impact on the adjacent property or public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources of the area, water quality or air quality.

(11) The permittee agrees in accepting the general permit to allow a duly authorized representative of the Department access to the permitted facility or activity at reasonable times for the purpose of inspection and testing to determine compliance with the permit and the department rules.

(12) The permittee agrees to maintain any permitted facility, or activity in good condition and in accordance with the plans submitted to the department under Rule 17-4.53(1).

(13) A permittee's use of a general permit is limited to five (5) years. However, the permittee may request continued use of the general permit by notifying

the department pursuant to Rule 17-4.53(1).

Specific Authority: 403.814(1), F.S. Law Implemented: 253.123, 253.124, 403.061, 403.087, 403.088, 403.702-403.73, 403.814, 403.851-403.864, F.S. History: New 7-8-82.

17-4.55 General Permit to U.S. Forest Service for Minor Works within National Forests in Florida.

(1) A general permit is hereby granted to the U.S. Forest Service to conduct the works described below:

(a) Culvert placement, replacement, and maintenance in streams of less than fifteen (15) cubic feet per second average discharge at the culvert location or draining less than 5,000 acres in the Apalachicola National Forest, 10,000 acres in the Osceola National Forest, and 7,500 acres in the Ocala National Forest, except for culverts associated with low water crossings.

(b) Bridge construction, replacement and maintenance for structures up to 400 feet in length and two lanes or less in width, pursuant to the restrictions listed in Section 403.813(2)(1), F.S.;

(c) Construction and maintenance of low-water crossings (hard surface crossings over which water flows during storm events or immediately thereafter);

(d) Bathing beach restoration at developed recreation sites where maintenance dredging is less than 100 cubic yards per year and less than 100 cubic yards per single occurrence;

(e) Dock construction, replacement and maintenance for docks of up to 1000 square feet of over water surface area, in Outstanding Florida Waters subject to restrictions

17-4.54(7) -- 17-4.55(1)(e)

12-19-84

permit is hereby granted to any person for land application of Grade II domestic wastewater treatment sludge; provided:

(a) The person intending to apply the sludge to the land submits a completed General Permit Application for Grade II Sludges, as specified in Fla. Admin. Code Rule 17-7.60.

(b) The permit applicant, within 14 days of notice to the department, has published in a newspaper of general circulation in the area affected, a notice of the intended land application of Grade II sludge. The notice shall include the name of the applicant and a brief description of the proposed activity and location.

(c) The sludge is land applied pursuant to the requirements of Fla. Admin. Code Rule 17-7.54(5).

(2) The general permit shall be subject to the general conditions of Fla. Admin. Code Rule 17-4.54. Specific Authority: 403.814, F.S. Law Implemented: 403.061, 403.087, 403.702, through 403.715, 403.814, F.S. History: New 6-16-84.

17-4.65 (Reserved).

17-4.66 General Permit to the Florida Department of Transportation for Minor Works Within Existing FDOT Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation to conduct the work described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in waters of the state. The area from which material is excavated or to which material is deposited

shall not exceed a total of 0.25 acres at any one location (project site). The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) The widening of existing bridges and bridge approaches to accommodate widening of the roadway where the excavation of material or the deposition of material shall not exceed 1000 cubic yards in waters of the state. The area from which material is excavated or to which material is deposited shall not exceed a total of 0.50 acres for any one location (project site). The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(c) Culvert placement, replacement and maintenance, in streams of less than 10 cubic feet per second average discharge at the culvert location or streams draining less than 10 square miles, provided that construction does not cause scour in the downstream waters or increase the velocity of the water downstream and the material excavated or deposited as fill shall not exceed 1000 cubic yards in waters of the state.

(d) Bridge construction for structures up to 400 feet in length and two lanes or less in width supported by pilings or trestles where the effects of pollutants discharged into open waters can be minimized.

(e) Temporary stream channel diversions necessary to complete projects detailed in paragraphs (c) and (d) above, provided the area used for the temporary diversion is restored to its previous contours and elevations.

(f) Channel clearing and shaping to facilitate maximum hydraulic efficiency of designed structure

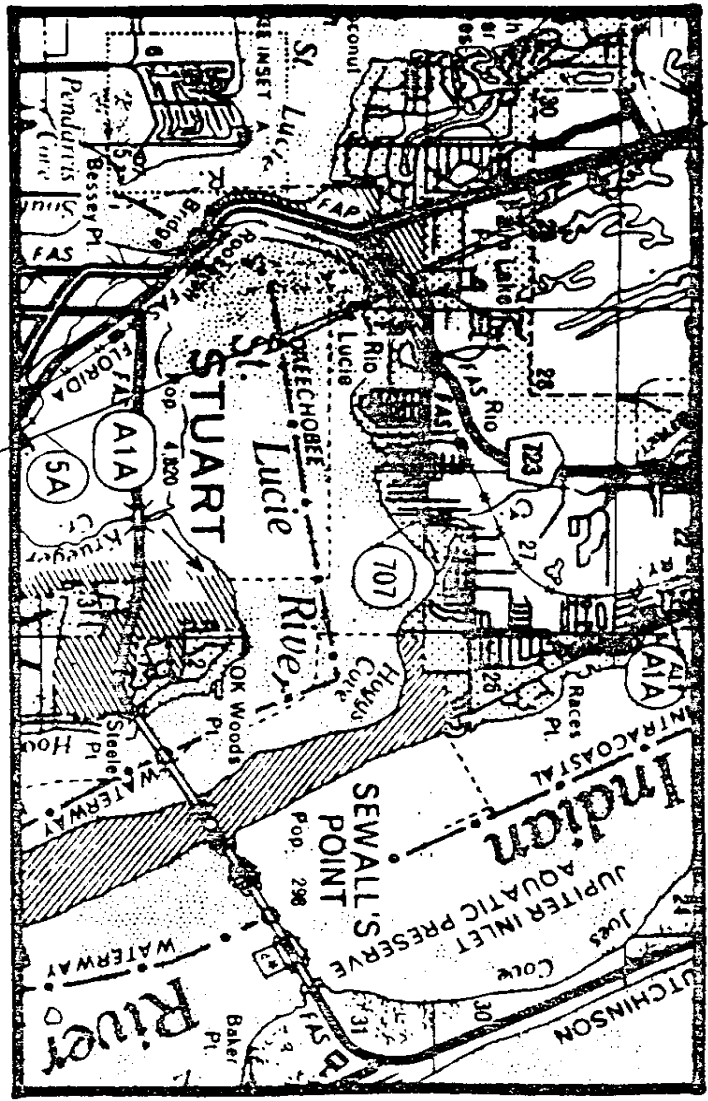
17-4.64(1) -- 17-4.66(1)(f)

12-19-84

Bridge No. 890040

T 37 S
T 38 S

LAT. 80°18' 00"
LONG. 27°04'00"



Scale: 1" = 1 Mile

Alice Road Bridge

R 41 E
R 42 E

SHEET NO. / OF

S. R. 707 & ALICE ROAD
MARTIN COUNTY, FLORIDA

Application by State of Florida
Department Of Transportation
Project No. 89030-3523
W.P.I. No. 4116145
F.A.P. NO BRS-4921 (1)

T 37 S
T 38 S

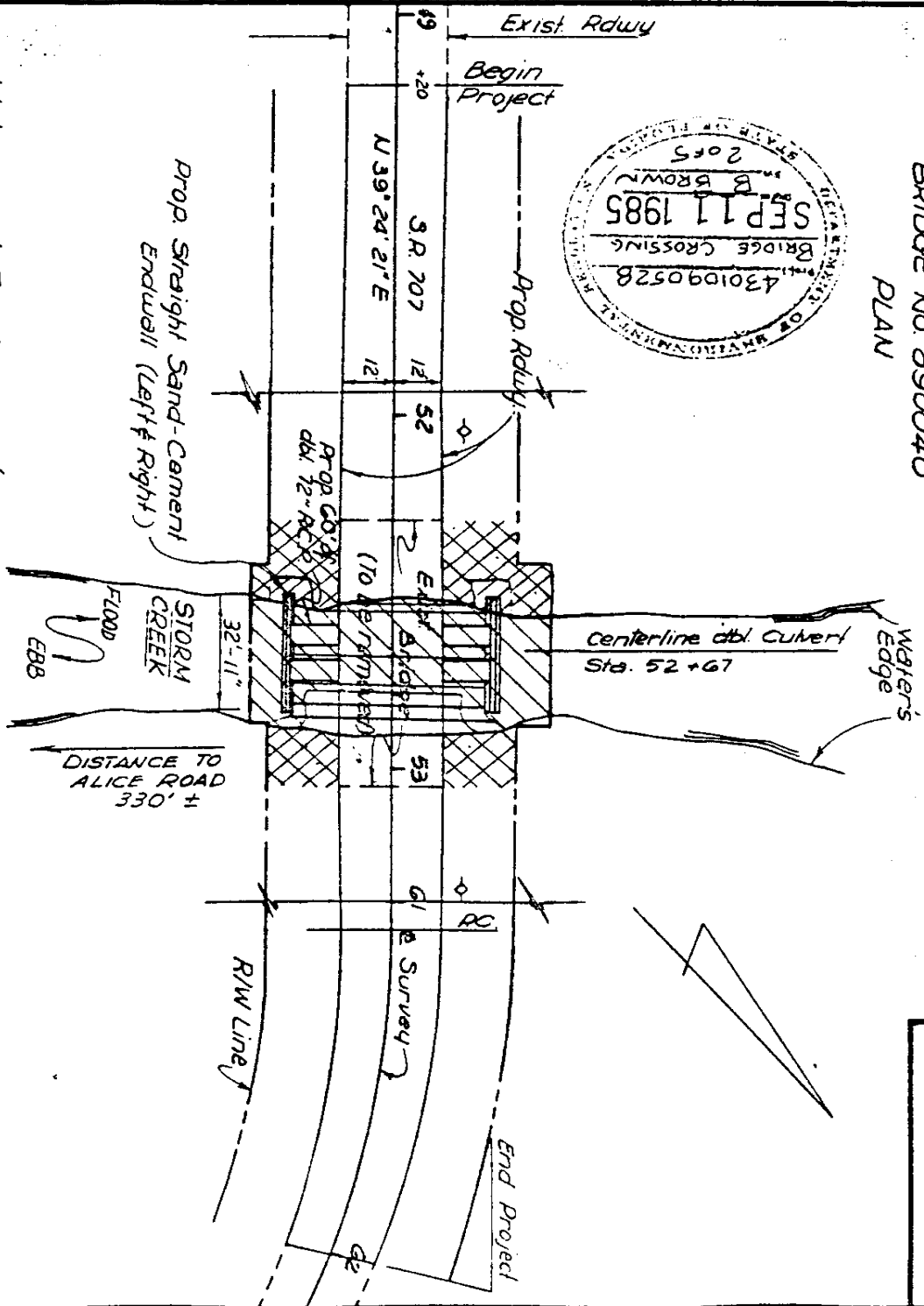


BRIDGE NO. 890040
PLAN

SHEET NO. 2 OF 5



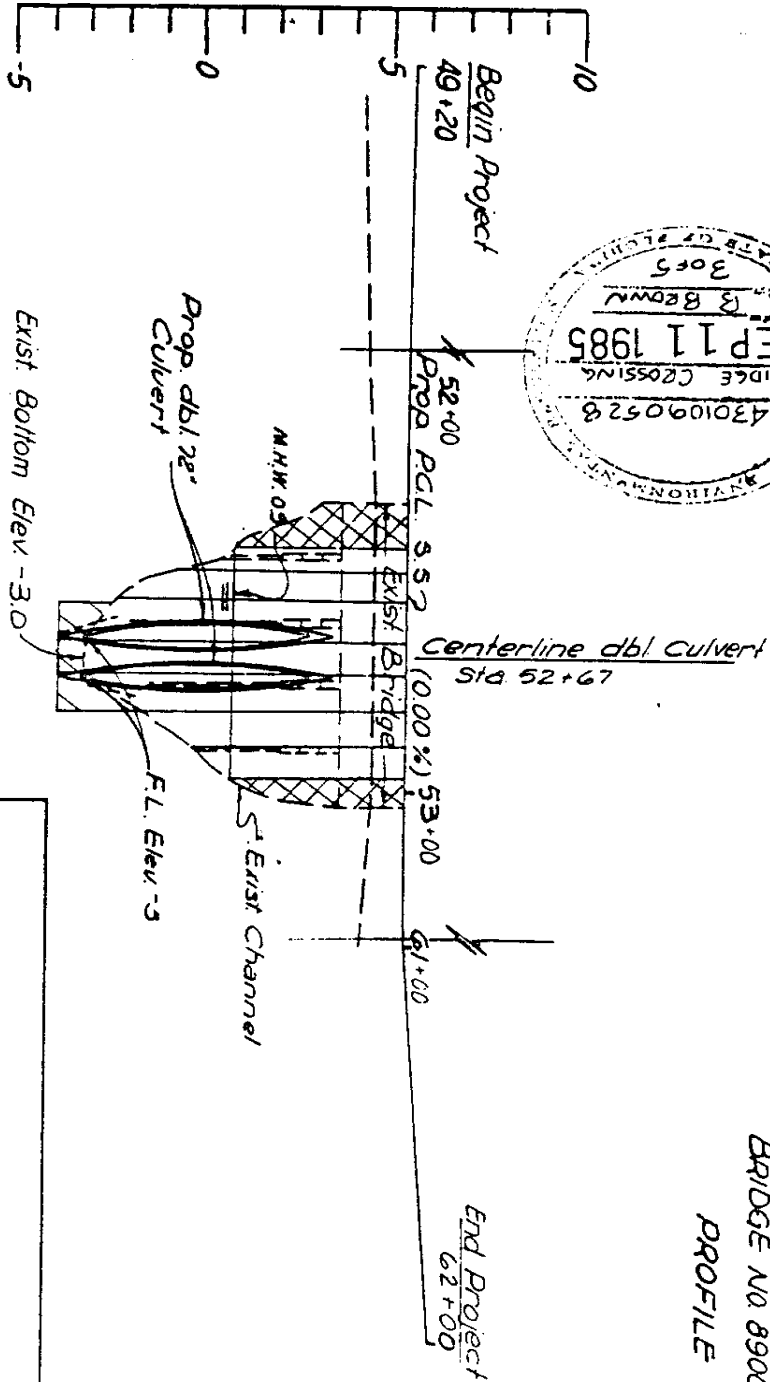
- Waterward Fill .016 Acres / 279 CY
- Waterward Excavation 121 CY
- Landward Fill .034 Acre / 166 CY





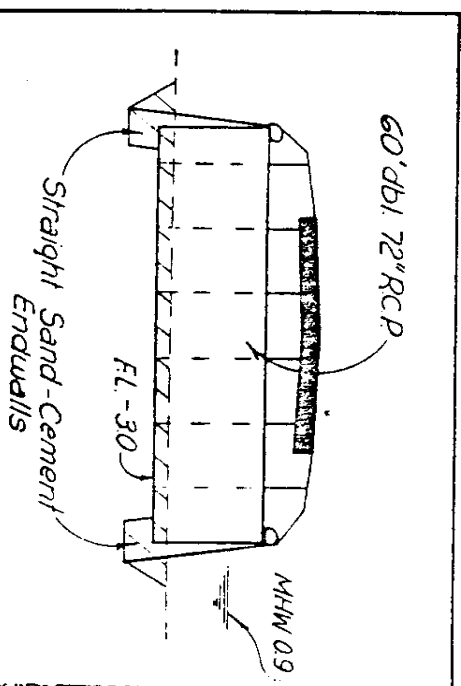
SHEET NO. 3 OF 5

BRIDGE NO. 890040
PROFILE



Waterward Fill	279 CY	
Waterward Excavation	121 CY	
Landward Fill .034 Acre / 166 CY		

NOTE: Elevations refer to 1929 M.A.W.D.



W.P.I. 4116145

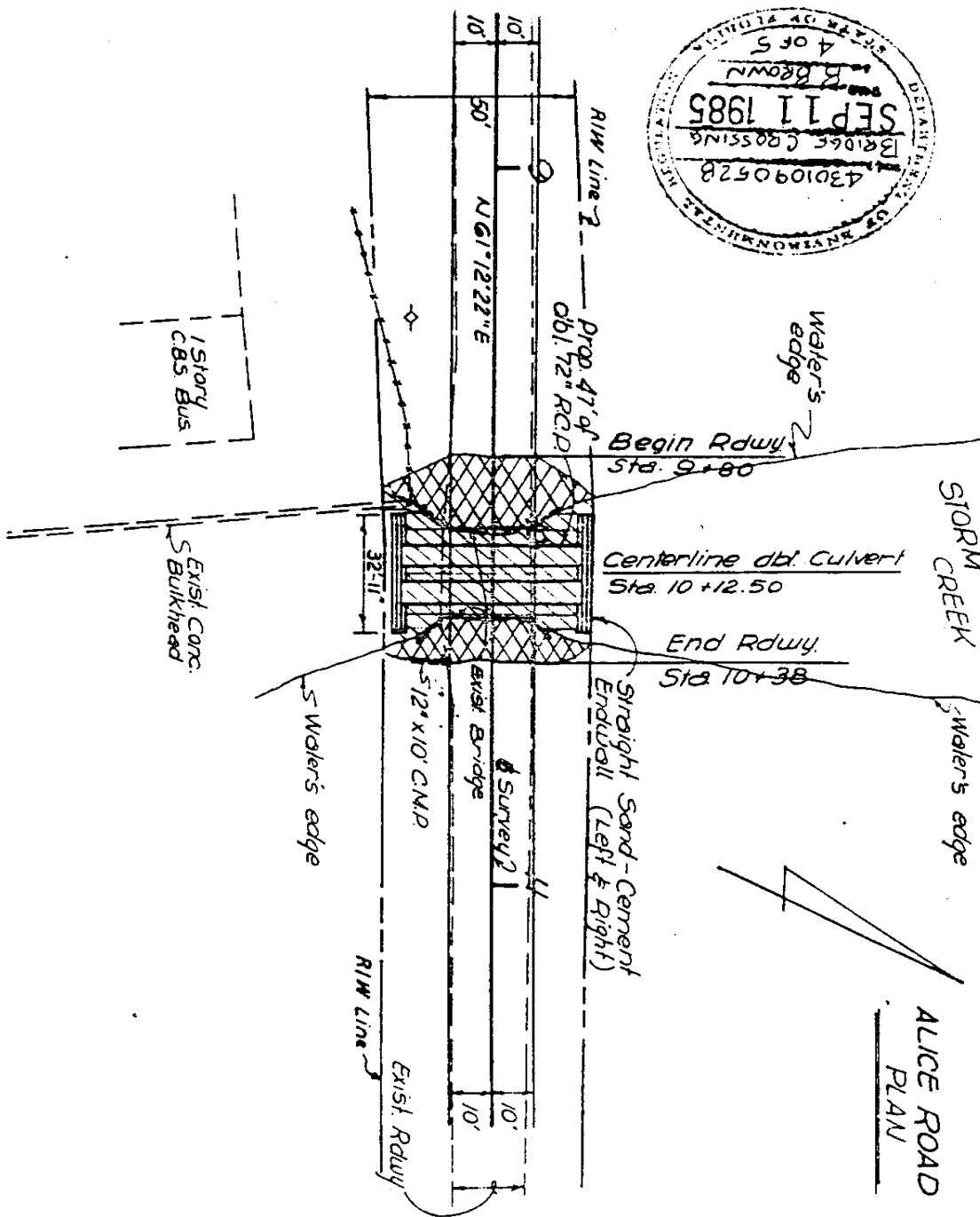


FEC. R/R

STORM CREEK

SHEET NO. 4 OF 5

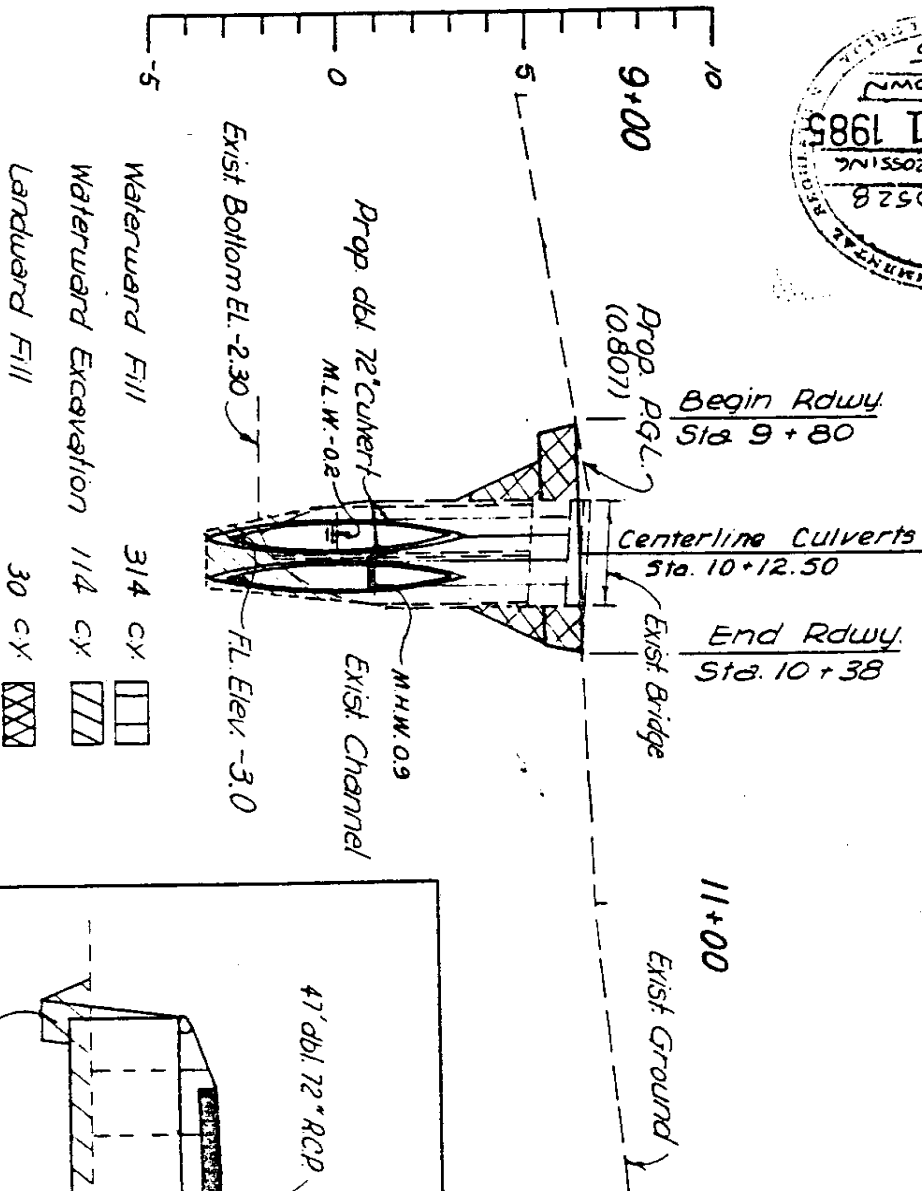
ALICE ROAD
PLAN



Waterward Fill	314	CY	
Waterward Excavation	114	CY	
Landward Fill	30	CY	

Exist. Bridge Dimensions:
 09' M.H.W.
 26 ft long ; 22 ft wide
 6/5' Low Member Clearance

W.P.I. 4116145



Waterward Fill	314	CY
Waterward Excavation	114	CY
Landward Fill	30	CY

NOTE: Elevations refer to 1929 NGVD.

SHEET NO. 5 OF 5

ALICE ROAD
PROFILE

