

IN THE CIRCUIT COURT OF THE SECOND  
JUDICIAL CIRCUIT, IN AND FOR LEON  
COUNTY, FLORIDA

LEON COUNTY, FLORIDA, a charter county and  
political subdivision of the State of Florida,

Petitioner,

Case No.: 2016 CA 000568

v.

TANGLEWOOD APARTMENTS OF  
TALLAHASSEE, LLC, a Florida Limited Liability  
Company; EMBARQ FLORIDA, INC. d/b/a  
CenturyLink and f/k/a Southeastern Telephone  
Company, a Florida corporation; FEDERAL  
NATIONAL MORTGAGE ASSOCIATION a/k/a  
Fannie Mae, a corporation organized and existing  
under the laws of the United States of America;

Parcel No. 103

Defendants

GLEN KEVIN THOMPSON and CYNTHIA DIANE  
THOMPSON, husband and wife; SHEILA  
WILLIAMS; EDNA GASQUE; ZACHARY HASTIE;  
DARBY YOUNG; BARBARA WILLIAMS; KEN  
BEADNELL; KELVIN DAVIS; GAYLA DAVIS;  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. a/k/a MERS, a Delaware corporation,  
as nominee for Branch Banking and Trust Company;

Parcel Nos. 101, 701A, 701B, 702

Defendants

LEON COUNTY TAX COLLECTOR; LEON  
COUNTY PROPERTY APPRAISER;

As to All Parcels

Defendants.

**ORDER OF TAKING**

**THIS MATTER** came on to be heard pursuant to the Declaration of Taking and Notice of Hearing as to Parcels 103, 101, 701A, 701B, and 702 in this cause; and it appearing to the Court that notice of this Court's hearing on May 12, 2016, to consider Petitioner's request for an Order of Taking, was properly given to all persons known to have or to claim any equity, lien,

title, or other interest in or to the real property described in the Petition in Eminent Domain; and that any other unknown parties having an interest in Parcels 103, 101, 701A, 701B, and 702 were properly served and given notice of such hearing by publication in accordance with Sections 73.031(2) and 74.041(2), Florida Statutes; and all parties hereto, except for those failing to file a request for hearing, having been given the opportunity to be heard and to introduce testimony as to the Declaration of Taking, the jurisdiction of the Court, the sufficiency of the pleadings, the amount to be deposited for the properties and interests sought to be appropriated, and whether Petitioner is properly exercising the authority delegated to it, and the Court being fully advised in the premises, upon consideration, it is, therefore,

**ORDERED and ADJUDGED that:**

1. The Court has jurisdiction of the subject matter and of the parties to this cause pursuant to Chapters 127, 73 and 74 , Florida Statutes.
2. The pleadings in this cause are sufficient, that Petitioner presented sufficient evidence that it is properly exercising its delegated authority, that the condemnation of Parcel 103 (Fee Simple), 101 (Fee Simple), 701A (Temporary Construction Easement), 701B (Temporary Construction Easement), and 702 (Temporary Construction Easement), which are further described in Composite Exhibit "A" attached hereto (hereinafter referred to collectively as the "Subject Property"), is for a valid public purpose, and that the acquisition of the Subject Property is reasonably necessary to accomplish such purpose.
3. Petitioner has complied with the applicable provisions of Chapter 73 and 74, Florida Statutes, is exercising properly its delegated authority, and is entitled to title and possession of the Subject Property in advance of Final Judgment, and that all conditions precedent to Petitioner's requested relief have been performed or have occurred.

4. Petitioner has established, and the Court hereby finds, that a reasonable necessity exists for the acquisition of the Subject Property for a valid public purpose, namely for the road right-of-way uses and appurtenances relating thereto, for the Old Bainbridge at Pullen Road Intersection Improvement Project (hereinafter referred to as the "Project").

5. The Declaration of Taking and estimates of value for the properties and interests sought to be appropriated have been considered, and the Court finds and determines that the estimates of value were made in good faith, and are based on a valid appraisal, and are therefore APPROVED.

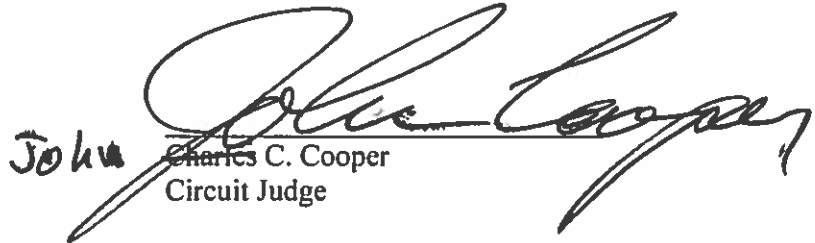
6. The amount to be deposited into the Registry of the Court with respect to the Subject Property is as set forth collectively in the Stipulated Order of Taking as to Defendants Tanglewood Apartments of Tallahassee, LLC and Embarq Florida, Inc., as to Parcel 103, and the Stipulated Order of Taking as to Defendants Glen Kevin Thompson and Cynthia Diane Thompson, as to Parcels 101, 701A, 701B, and 702, each of which was entered contemporaneously herewith (hereinafter referred to collectively as the "Stipulated Orders of Taking").

7. Petitioner shall make its deposit as to Subject Property as set forth in the Stipulated Orders of Taking and upon the deposit of said sums, and without further notice or order of this Court, all right, title, and interest as to the Subject Property shall vest in and with Petitioner, and Petitioner shall be entitled to possession of the Subject Property, and shall be entitled to remove all fixtures and personal property located on the Subject Property, if any.

8. Defendants, when applicable, shall furnish Petitioner with a disclosure affidavit as required by Section 286.23, Florida Statutes. Such affidavit shall be furnished to Petitioner before any withdrawal of funds from the Registry of the Court can be made.

9. The Clerk of the Circuit Court shall record this Order of Taking in the Official Records of Leon County.

**DONE and ORDERED** in Chambers at Tallahassee, Leon County, Florida this 12<sup>th</sup> day of May, 2016.

  
Charles C. Cooper  
Circuit Judge

Conformed copies to parties  
as shown on following service list

Attachment:

Composite Exhibit "A" - legal descriptions and sketches of Parcel 103 and Parcels 101, 701A, 701B, and 702 (the "Subject Property")

### SERVICE LIST

Service by e-mail via the Florida Courts E-Filing Portal to the following:

Terry J. Harmon, Esq.  
[tharmon@sniffenlaw.com](mailto:tharmon@sniffenlaw.com)  
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Appraiser

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Attorney for Defendant, Leon County Tax  
Collector

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Apartments of Tallahassee, LLC

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d/b/a CenturyLink and f/k/a Southeastern  
Telephone Company

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[ckearney@gaylordmerlin.com](mailto:ckearney@gaylordmerlin.com)  
Attorney for Defendants, Cynthia Diane Thompson,  
Glen Kevin Thompson, and Mortgage Electronic  
Registration Systems, Inc., as nominee for Branch  
Banking and Trust Company

Daniel J. Rigo, Esq.  
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[countyattorney@leoncountyfl.gov](mailto:countyattorney@leoncountyfl.gov)  
Murray M. Wadsworth, Jr., Esq.  
[murray@mwadsworth.com](mailto:murray@mwadsworth.com)  
Attorneys for the Petitioner, Leon County, Florida

AND

Service by U.S. Mail to the following:

Federal National Mortgage Association  
Attention: Legal Resource Center  
3900 Wisconsin Avenue, NW  
Washington, DC 20016-2892

Sheila Williams  
2541 Old Bainbridge Road  
Tallahassee, FL 32303

Edna Gasque  
2539 Old Bainbridge Road  
Tallahassee, FL 32303

Zachary Hastie  
2537 Old Bainbridge Road  
Tallahassee, FL 32303

Darby Young  
2535 Old Bainbridge Road  
Tallahassee, FL 32303

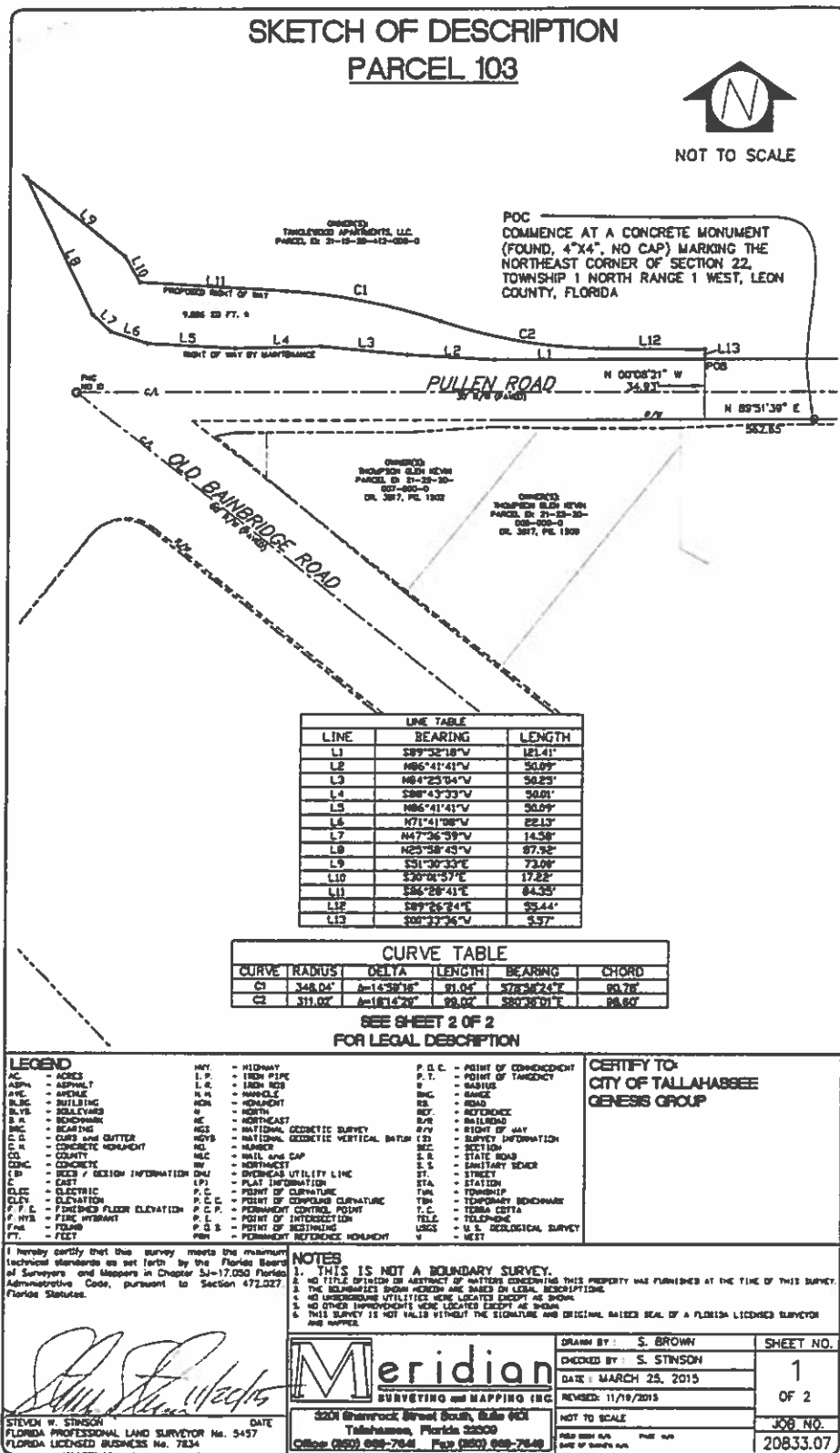
Barbara Williams  
2533 Old Bainbridge Road  
Tallahassee, FL 32303

Ken Beadnell  
2531 Old Bainbridge Road  
Tallahassee, FL 32303

Kelvin Davis  
2525 Old Bainbridge Road  
Tallahassee, FL 32303

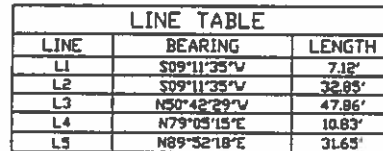
Gayla Davis  
2525 Old Bainbridge Road  
Tallahassee, FL 32303

# Composite Exhibit "A"





P.O.C.  
COMMENCE AT A CONCRETE MONUMENT  
(FOUND, 4"x4", NO CAP) MARKING THE  
NORTHEAST CORNER OF SECTION 22,  
TOWNSHIP 1 NORTH RANGE 1 WEST,  
LEON COUNTY, FLORIDA

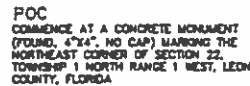


COMMENCE AT A CONCRETE MONUMENT (FOUND, 4"x4", NO CAP) MARKING THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 NORTH RANGE 1 WEST, LEON COUNTY, FLORIDA, AND RUN THENCE SOUTH 89 DEGREES 51 MINUTES 38 SECONDS WEST 780.15 FEET TO A POINT ON THE SOUTHERLY MONUMENTED RIGHT-OF-WAY BOUNDARY OF PULLEN ROAD; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY RUN S 091°1'35" W A DISTANCE OF 7.12 FEET FOR THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING RUN THENCE SOUTH 09 DEGREES 11 MINUTES 35 SECONDS WEST A DISTANCE OF 32.85 FEET TO THE NORTH RIGHT-OF-WAY BOUNDARY OF OLD BAINBRIDGE ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY BOUNDARY RUN NORTH 50 DEGREES 42 MINUTES 29 SECONDS WEST A DISTANCE OF 47.86 FEET TO THE SOUTHERLY MAINTAINED RIGHT-OF-WAY BOUNDARY OF PULLEN ROAD; THENCE ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY BOUNDARY NORTH 79 DEGREES 05 MINUTES 15 SECONDS EAST A DISTANCE OF 10.83 FEET; THENCE N 89°52'18" E A DISTANCE OF 31.65 FEET TO THE POINT OF BEGINNING, CONTAINING 712 SQ. FT. ±.

[illegible]



**Temporary Construction Easement  
(PARCEL 701 A)**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°07'42"E	7.03'
L2	S00°07'42"E	5.59'
L3	S89°52'18"W	35.28'
L4	N00°07'42"W	5.59'
L5	N89°52'18"E	35.28'

COMMENCE AT A CONCRETE MONUMENT (FOUND, 4"x4", NO CAP) MARKING THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 NORTH RANGE 1 WEST, LEONE COUNTY, FLORIDA AND THENCE RUN S 89°51'39" W 793.30 FEET ALONG THE SOUTH MONUMENTED RIGHT OF WAY LINE OF PULLEN ROAD; THENCE RUN S 00°07'42" E, A DISTANCE OF 7.03 FEET TO THE MAINTAINED RIGHT OF WAY LINE OF PULLEN ROAD AND THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN S 00°07'42" E A DISTANCE OF 5.59 FEET; THENCE RUN S 89°52'18" W, A DISTANCE OF 35.28 FEET; THENCE RUN N 00°07'42" W, A DISTANCE OF 5.59 FEET; THENCE RUN N 89°52'18" E, A DISTANCE OF 35.28 FEET TO THE POINT OF BEGINNING. CONTAINING 197 SQ. FT. ±.

[illegible]

**CERTIFY TO:**  
**CITY OF TALLAHASSEE**  
**GENESIS GROUP**

I hereby certify that the survey meets the minimum technical standards as set forth by the Florida Board of Surveyors and Mappers in Chapter 5J-17.050 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

**NOTES**

1. THIS IS NOT A BOUNDARY SURVEY.
2. NO TITLE OPINION OR ABSTRACT OF MATTERS CONCERNING THIS PROPERTY WAS FURNISHED AT THE TIME OF THIS SURVEY.
3. THE BOUNDARIES SHOWN HEREON ARE BASED ON LEGAL DESCRIPTIONS.
4. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
5. NO OTHER IMPROVEMENTS WERE LOCATED EXCEPT AS SHOWN.
6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR.

*[Signature]* 3/5/15  
GUYTON W. STINSON  
FLORIDA PROFESSIONAL LAND SURVEYOR No. 5457  
FLORIDA LICENSED BUSINESS No. 7834


**Meridian**  
 SURVEYING • MAPPING • IMAGING

2501 Shattuck Street South, Suite 601  
Tallahassee, Florida 32309  
Office (904) 666-7641 Fax (904) 666-7646

DRAWN BY: K. SPELL	SHEET NO.  1  OF 1  JOB NO. 20833.07
CHECKED BY: S. STINSON	
DATE: MARCH 4, 2015	
REVISED:	
SCALE: 1" = 30'	
FIELD CHECK BY: _____ DATE OF CHECK: _____	

(PARCEL 701A)  
**TEMPORARY CONSTRUCTION EASEMENT – TERM SHEET**

A Temporary Construction Easement ("TCE") over the parcel of land described herein for the purpose of facilitating the harmonization of the subject property's driveway connection(s) to Pullen Road as a part of Leon County's Old Bainbridge at Pullen Road Intersection Improvement Project ("Project"), limited to the uses as follows, to wit:

- (a) Leon County and its contractors shall have the right to ingress, egress and use the above described lands to perform all work necessary for the purpose of tying in and harmonizing the remainder property and the improvements thereon to the improvements to be constructed in connection with the Project, including without limitation sloping, grading, clearing, grubbing, storage of materials and equipment, excavation, and restoration, subject to subparagraph (d), below;
- (b) Following completion of construction, Leon County and/or its contractors shall remove its materials and equipment associated with said activities, and shall restore, repair or replace any pre-existing asphalt, curbing, and/or sod within the TCE area disturbed by such activities. Pre-existing sod or landscaping, if any, within the TCE disturbed by the construction shall be replaced with sod or plants of such comparable species and size, as are readily available;
- (c) Leon County and/or its contractors shall have the right to operate vehicles and equipment within the TCE area and to use said easement to park said vehicles and equipment and store materials, subject to subparagraph (d), below;
- (d) The TCE shall be non-exclusive and Leon County and/or its contractor's use and enjoyment of the rights granted herein shall not interfere with reasonable vehicular or pedestrian access to the remaining property over the TCE area;
- (e) The TCE shall expire upon the final completion of the construction of the Project, but in no event later than three years from the date on which Leon County acquires title to the TCE.

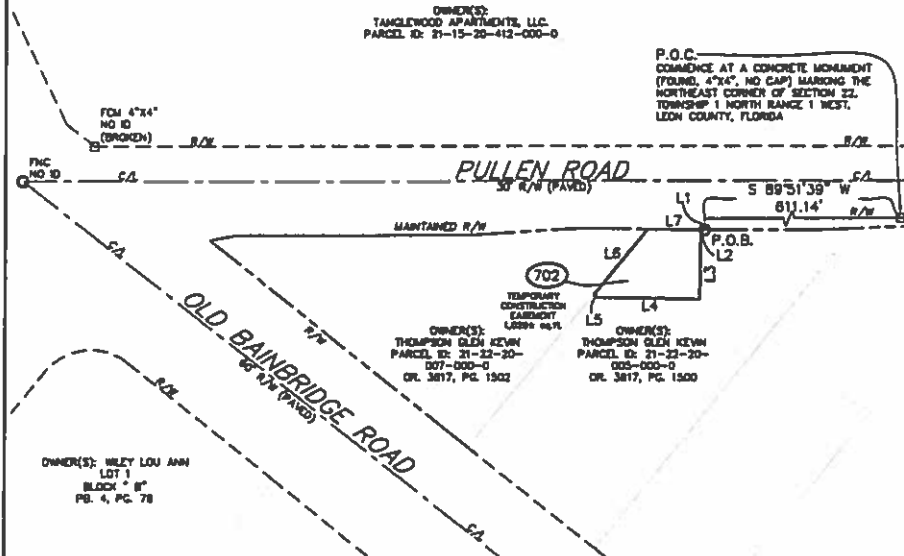


**(PARCEL 701B)**  
**TEMPORARY CONSTRUCTION EASEMENT – TERM SHEET**

A Temporary Construction Easement ("TCE") over the parcel of land described herein for the purpose of facilitating the harmonization of the subject property's driveway connection(s) to Pullen Road as a part of Leon County's Old Bainbridge at Pullen Road Intersection Improvement Project ("Project"), limited to the uses as follows, to wit:

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- (d) The TCE shall be non-exclusive and Leon County and/or its contractor's use and enjoyment of the rights granted herein shall not interfere with reasonable vehicular or pedestrian access to the remaining property over the TCE area;
- (e) The TCE shall expire upon the final completion of the construction of the Project, but in no event later than three years from the date on which Leon County acquires title to the TCE.

# **SKETCH OF DESCRIPTION** **Temporary Construction Easement** **(Parcel 702)**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S80°08'25"E	5.06'
L2	S89°52'18"W	1.48'
L3	S01°01'03"W	29.73'
L4	N88°58'57"W	44.00'
L5	N49°38'51"W	1.90'
L6	N39°22'34"E	36.37'
L7	S88°59'58"E	22.90'

## **PROPERTY DESCRIPTION:**

(Temporary Construction Easement) Parcel 702

COMMENCE AT A CONCRETE MONUMENT (FOUND, 4"x4", NO CAP) MARKING THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 NORTH RANGE 1 WEST, LEON COUNTY, FLORIDA, AND RUN THENCE SOUTH 89 DEGREES 51 MINUTES 39 SECONDS WEST 611.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PULLEN ROAD; THENCE RUN SOUTH 00 DEGREES 08 MINUTES 25 SECONDS EAST, A DISTANCE OF 5.06' TO A POINT ON THE MAINTAINED RIGHT OF WAY OF PULLEN ROAD; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 18 SECONDS WEST, A DISTANCE OF 1.48 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND LEAVING SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY RUN SOUTH 01 DEGREES 01 MINUTES 03 SECONDS WEST A DISTANCE OF 29.73 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 57 SECONDS WEST A DISTANCE OF 44.00 FEET; THENCE NORTH 49 DEGREES 38 MINUTES 51 SECONDS WEST A DISTANCE OF 1.90 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 34 SECONDS EAST, A DISTANCE OF 36.37 FEET TO THE SOUTHERLY MAINTAINED RIGHT-OF-WAY BOUNDARY OF PULLEN ROAD; THENCE ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY BOUNDARY SOUTH 88 DEGREES 59 MINUTES 58 SECONDS EAST A DISTANCE OF 22.90 FEET TO THE POINT OF BEGINNING. CONTAINING 1,029± SQ. FT.



LEGEND		
AC - ACRES	HWY - HIGHWAY	P.O.C. - POINT OF COMMENCEMENT
ASPH - ASPHALT	I.P. - IRON PIPE	P.T. - POINT OF TANGENCY
AVE - AVENUE	I.R. - IRON ROD	R - RADIUS
B.B. - BUILDING	M.H. - MANHOLE	RAC - RADIUS
B.V. - BOLLIVARD	M.N. - MONUMENT	R/W - ROAD
B.N. - BENCHMARK	N - NORTH	REF - REFERENCE
BNC - BEARING	NE - NORTHEAST	R/L - RADIUS
C.C. - CURB AND GUTTER	NCE - NATIONAL GEODETIC SURVEY	R/S - RIGHT OF WAY
C.N. - CONCRETE MONUMENT	NCEV - NATIONAL GEODETIC VERTICAL DATUM	S - SURVEY INFORMATION
CD - COUNTY	NEL - NUMBER	SEC - SECTION
CONC - CONCRETE	NELC - NAIL AND CAP	S.E. - STATE ROAD
CONC - CONCRETE	NW - NORTHWEST	S.S. - SANITARY SEWER
DAI - DATA / DESIGN INFORMATION	NW - NORTHWEST	ST - STREET
E - EAST	OW - OVERHEAD UTILITY LINE	STA - STATION
ELEC - ELECTRIC	PL - PLAT INFORMATION	T - TOWNSHIP
ELEV - ELEVATION	P.C. - POINT OF CURVATURE	TM - TEMPORARY MONUMENT
F.F.E. - FINISHED FLOOR ELEVATION	P.C.P. - POINT OF CURVATURE POINT	T.C. - TOWN LOT
F.H. - FIRE HYDRANT	P.I. - POINT OF INTERSECTION	TELE - TELEPHONE
F.M. - FENCE	P.O.B. - POINT OF BEGINNING	USE - U.S. GEOLOGICAL SURVEY
FE - FEET	PRM - PERMANENT REFERENCE MONUMENT	V - VERT

**CERTIFY TO:**  
**CITY OF TALLAHASSEE**  
**GENESEE GROUP**

I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Surveyors and Mappers in Chapter 33-17.050 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

## **NOTES**

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- NO TITLE OPINION OR ABSTRACT OF MATTERS CONCERNING THIS PROPERTY WAS FURNISHED AT THE TIME OF THIS SURVEY.
- THE EXHIBITED BOUNDARY HEREON ARE BASED ON LEGAL DESCRIPTIONS.
- NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
- NO OTHER IMPROVEMENTS WERE LOCATED EXCEPT AS SHOWN.
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEVEN W. STINSON  
 FLORIDA PROFESSIONAL LAND SURVEYOR No. 5457  
 FLORIDA LICENSED BUSINESS No. 7854

**Meridian**  
 SURVEYING AND MAPPING INC.

3501 Shiloh Road, Suite 101  
 Tallahassee, Florida 32309  
 Phone (904) 999-7949 Fax (904) 999-7949

DRAWN BY: K.SPELL  
 CHECKED BY: S.STINSON  
 DATE: FEBRUARY 11, 2014  
 REVISION: MARCH 4, 2015  
 SCALE: 1" = 30'  
 FIELD BOOK: N/A  
 DATE OF SURVEY: N/A

SHEET NO.  
 1  
 OF 1  
 JOB NO.  
 20833.07

(PARCEL 702)  
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