

10a

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

-
- A. **PURPOSE** — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

-
- B. **PROJECT MEASURES COVERED** —

Name of project Lake Tallavana Emergency EWP - Project Agreement No. 69-4209-8-1689

Identity of improvement or development Repair to Lake Tallavanna Dam Emergency Spillway

Location Lake Tallavana, Gadsden County, Florida

-
- C. **REAL PROPERTY ACQUISITION ASSURANCE** —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

-
- D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS** —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

Gadsden County Board of County Commissioners

(Name of Sponsor)

By: _____

Title: Eugene Lamb, Jr., Chairman

Date: 1/13/09

This action authorized _____ of the Gadsden County Board
at an official meeting _____

of County Commissioners on the 13th

day of January, 2009

at Quincy

State of Florida

Attest: _____
(Name)

Nicholas Thomas, Clerk of the Circuit Court

(Title)

(Name of Sponsor)

By: _____

Title: _____

Date: _____

This action authorized _____
at an official meeting _____

_____ on _____

day of _____, 20____,

at _____

State of _____

Attest: _____
(Name)

(Title)



COMMISSIONERS:

EUGENE LAMB, JR.

District 1

DOUGLAS M. CROLEY

District 2

GENE MORGAN

District 3

BRENDA A. HOLT

District 4

SHERRIE TAYLOR

District 5

GADSDEN COUNTY
Board of County Commissioners
EDWARD J. BUTLER
GADSDEN COUNTY GOVERNMENTAL COMPLEX

BUD PARMER

Interim County

Administrator

THORNTON WILLIAMS

County Attorney

January 7, 2009

Mr. Carlos Suarez, State Conservationist
USDA – Natural Resources Conservation Service
P.O. Box 141510
Gainesville, FL 32614-1510

Re: Assurances Relating to Real Property Acquisition - DSR No. 0308-01

Dear Mr. Suarez:

As Deputy County Attorney, I advise you that I have reviewed the document titled "Assurances Relating to Real Property Acquisition" and that there are adequate land rights to carry out the work, which is to construct emergency watershed measures for the Lake Tallavana watershed.

This advice is based on an examination of the Official Records of Gadsden County, Florida, the representation by the County and its agents that work on the Project will be performed only on lands owned by the Association (represented to be the lake, lake shoreline, dam and adjacent road right-of-way) and one adjacent parcel described in OR Book 292, Page 1998, and one adjacent parcel described in OR Book 292, Page 1998, for which the Association has easement rights for such purposes, upon all of which the County has the right to construct the Project, and the further representation by the County and its agents that all work in the vicinity of the parcel described in OR Book 363, Page 712, will be performed within the Association's road right-of-way and will not encroach on said parcel.

January 7, 2009

Page 2

This advice does not address the County's exemption from, licensing by or compliance with the regulations of any water management district, the Florida Department of Environmental Protection, or any other state or federal regulatory authority.

Feel free to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Sexton". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Paul Sexton
Deputy County Attorney

PS:sb