

RESOLUTION NO. 97 - 9

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA GRANTING A FIFTEEN YEAR LICENSE TO BELL SOUTH TELECOMMUNICATIONS, INC. d/b/a SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, TO PLACE UTILITY LINES AND EQUIPMENT ON ST. JOHNS COUNTY PROPERTY.

WHEREAS, St. Johns County has received a request for a License (see Exhibit "A" attached hereto and made a part hereof by reference) by Bell South Telecommunication, Inc. d/b/a Southern Bell Telephone and Telegraph Company, a Georgia Corporation authorized to do business in the State of Florida (referred to in this Resolution as Southern Bell); and

WHEREAS, Southern Bell has requested to use County property (referred to in this Resolution as the "Premises") and shown on Exhibit "B" (attached hereto and made a part hereof by reference) for the construction, operation and maintenance of Telecommunications electrical equipment commonly described as Electronic Equipment Cabinets more fully described on Exhibit "C" (attached hereto and made a part hereof by reference); and

WHEREAS, Southern Bell is required to relocate the Electronic Equipment Cabinets located in the right-of-way of A1A due to the widening of A1A; and

WHEREAS, it is found, as allowed by Section 125.42, Florida Statute, 1995, that it is reasonably necessary for protection of the County and the public for St. Johns County to grant to said Southern Bell Telephone and Telegraph Company a License to install Electronic Equipment Cabinets on the "Premises" in order to efficiently provide for continued utility service to the public by the licensee.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Johns County hereby grant to Southern Bell Telephone and Telegraph Company a Fifteen Year Non-Exclusive License for the construction, operation and maintenance of Telecommunication Equipment Cabinets to be located on the "Premises" as described on Exhibit "C".

1. The above referenced recitals are found to be true and correct and are incorporated herein by reference.
2. This License is granted subject to the following conditions and limitations:
 - a. The grant of this License shall in no way restrict the right and interest of the Licensor (St. Johns County) in the use and maintenance of the "Premises" to the extent that such use does not interfere with the rights granted herein.
 - b. The Licensee (Southern Bell) and its agents shall have the duty to not create any obstructions or conditions of the public right of way adjoining the "Premises" which are or may become dangerous to the public, County, or its agents or employees.

- c. The Licensee shall be liable for the personal injuries and damages to real or personal property that may result from its use of the "Premises" and shall defend, hold harmless and indemnify the Licensor, its officers, employees, and agents for and from any damages, claims, liability, or costs resulting from the exercise of the privileges granted under this License.
- d. The Licensee shall relocate that portion of the Chain Link Fence presently on the "Premises" to a location on adjoining County property as directed and approved by the St. Johns County Director of Parks and Recreation.
- e. In the event of widening, repair, or reconstruction of any County road, or other governmentally owned or controlled property, the Licensee shall move or remove its improvements and transmission lines at no cost to the County.
- f. The Licensee shall promptly repair any damage or injury to the road or highway by reason of the exercise of the privileges granted in any instrument creating such license and to repair the road or highway promptly, restoring it to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.

3. The Licensee is hereby granted authority to allow its agents to exercise the Licensee privileges under this License; however in such case, the Licensee shall by allowing such exercise of license privileges assume direct responsibility and liability to St. Johns County for Licensee's agent's compliance with the terms of this License.

4. Licensee shall have the right to clear and keep the "Premises" clear of all trees, undergrowth or other obstructions and to trim and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs in the vicinity of the "Premises" on lands owned by the Licensor which might interfere with the lines or systems of communication or electronic power serving the Licensee.

5. This License shall run with the land and shall be binding on and shall inure to the benefits of the parties hereto, their successors or assigns for Fifteen Years so long as the electronic equipment cabinets and appurtenant facilities reasonable required for the support, use, operation and maintenance of such equipment remain on the "Premises". This License is subject to termination by the County in the event the subject County property is abandoned, vacated, discontinued or reconstructed by the County or its agents.

6. This License shall be revoked by the Licensor in the event the electronic equipment cabinets are removed from the "Premises" or become inoperable for a period greater than one year. Prior to the end of the effective period of this License the Licensee shall restore the "Premises" to its original condition and relocate the Chain Link Fence to its original location.

7. This License may be renewed for subsequent terms of Fifteen Years at the discretion of the St. Johns County Board of County Commissioners.

8. This License is not intended to confer any rights not specifically stated herein and the Licensee is granted no interest other than the Fifteen Year License. Expenditures made by the Licensee on the "Premises" shall in no way be deemed to make this License irrevocable.

9. This Resolution shall be recorded in the Official Record Books of St. Johns County, Florida at the cost of Bell South Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company, prior to this license being effective.

10. A recorded copy of this Resolution shall be forwarded to Stuart Craig, Assessment Program Coordinator, St. Johns County Public Works Department, 4020 Lewis Speedway, St. Augustine, Florida 32095.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 14 day of January, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Its Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk



TRUEVANCE CORPORATION

COMMUNICATIONS CONSULTANTS

January 3, 1997

VIA FAX 904-823-2585

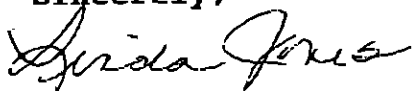
Mr. Stuart Craig
P.O. Box 349
St. Augustine, Florida 32085

Dear Mr. Craig,

This letter is to request a 15 year license agreement on the county property located on AlA near Pope Road for BellSouth Telecommunications, Inc. to place telecommunications electrical equipment.

Thank you for your assistance with this matter..

Sincerely,

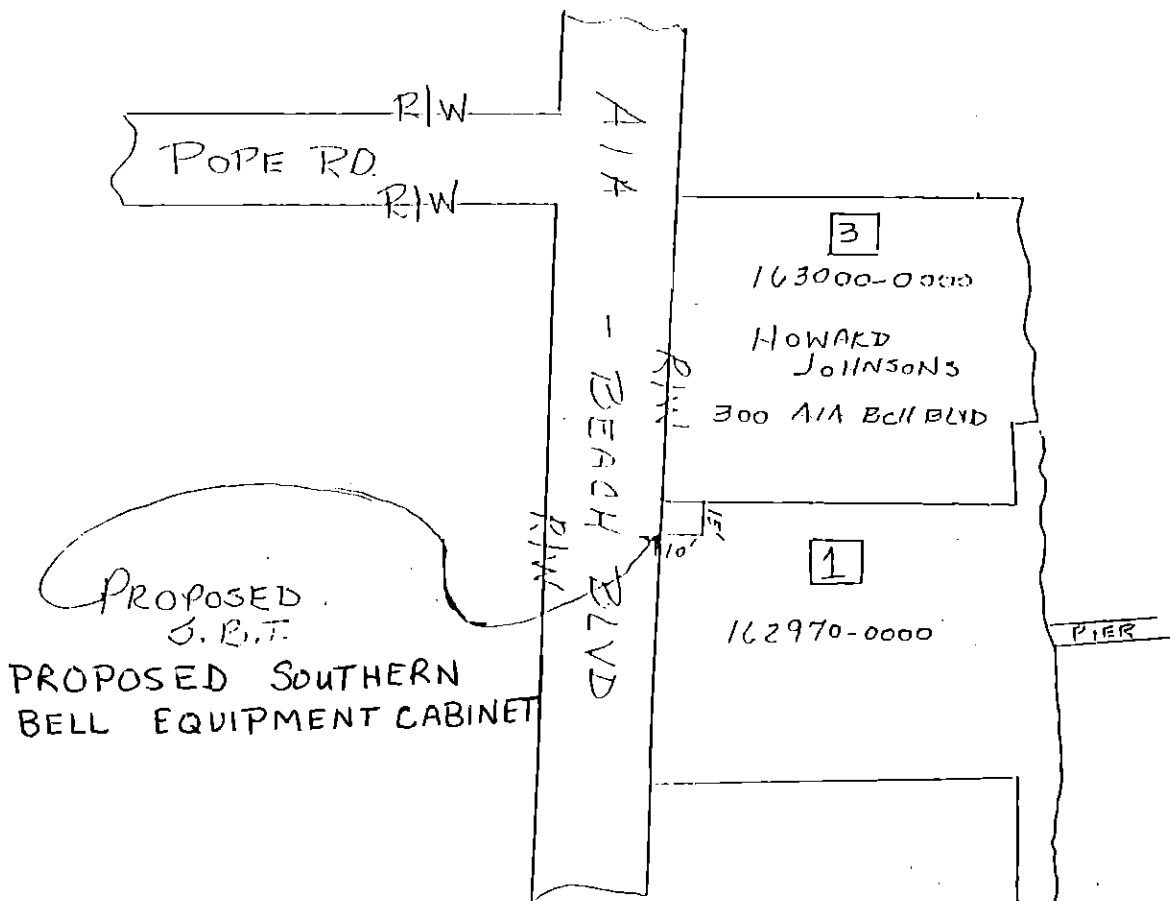


Linda Jones
Right of Way Agent

3265 U.S. HIGHWAY 17 NORTH
GREEN COVE SPRINGS, FL 32043-9372
(904) 284-2100 • FAX# (904) 284-0229

Exhibit "A"

LEGAL: 1-N 550 FT OF 3.787 FT
 OF LOT 1 LYING EAST OF
 ROAD NO A1A AND TWO
 STRIPS 20 X 125 FT ON EAST
 SIDE (EX 3 106.69 X W 500.8 X
 104.02 X 500.93 FT SHOWN
 IN D Book 252/286) (EX 12 FT
 STRIP IN 5 FT STRIP E OF
 D Book 252/286 IN OIL 276/183)
 D Book 76/301 + 303



ROUGH SKETCH
 NOT TO SCALE

EXHIBIT "B"

Telecommunication electric equipment to be installed by Southern Bell Telephone and Telegraph Company on County Property the "Premises".

1. Telecommunication electrical equipment structures commonly described as **Electronic Equipment Cabinets**;
2. Poles, guys, anchors, aerial cables and wires.
3. Buried cables and wires, cable terminals, markers, splicing boxes and pedestals;
4. Conduit, manholes, underground cables and wires;
5. Driveways or other vehicular access;
6. Other amplifiers, boxes appurtenances or devices and appurtenant facilities reasonably required for the support, use, operation and maintenance of such equipment structures to be installed from time to time with the right to reconstruct, improve, add to, enlarge and remove the same on, in or over the "Premises" described in attached Exhibit "B".

Exhibit "C"

MAP TO SHOW BOUNDARY SURVEY OF

A PROPOSED BELLSOUTH EASEMENT IN PART OF GOVERNMENT LOT 1, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID GOVERNMENT LOT 1 WITH THE EASTERLY RIGHT-OF-WAY LINE OF ST. AUGUSTINE BEACH ROAD / STATE ROAD NO. A-1-A; THENCE SOUTHERLY ALONG LAST SAID RIGHT-OF-WAY LINE, 537.0 FEET TO THE NORTHWESTERLY CORNER OF LANDS DESCRIBED IN DEED RECORDED IN DEED BOOK 76, PAGE 301 OF THE PUBLIC RECORDS OF SAID COUNTY, THENCE EASTERLY, ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS, 10.0 FEET; THENCE SOUTHERLY, ALONG A LINE PARALLEL WITH LAST SAID EASTERLY RIGHT-OF-WAY LINE, 15.0 FEET; THENCE WESTERLY, ALONG A LINE PARALLEL WITH LAST MENTIONED NORTHERLY DEED LINE, 10.0 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID ST. AUGUSTINE BEACH ROAD / STATE ROAD NO. A-1-A; THENCE NORTHERLY, ALONG SAID RIGHT-OF-WAY LINE, 15.0 FEET TO THE POINT OF BEGINNING.

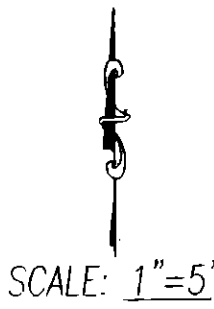
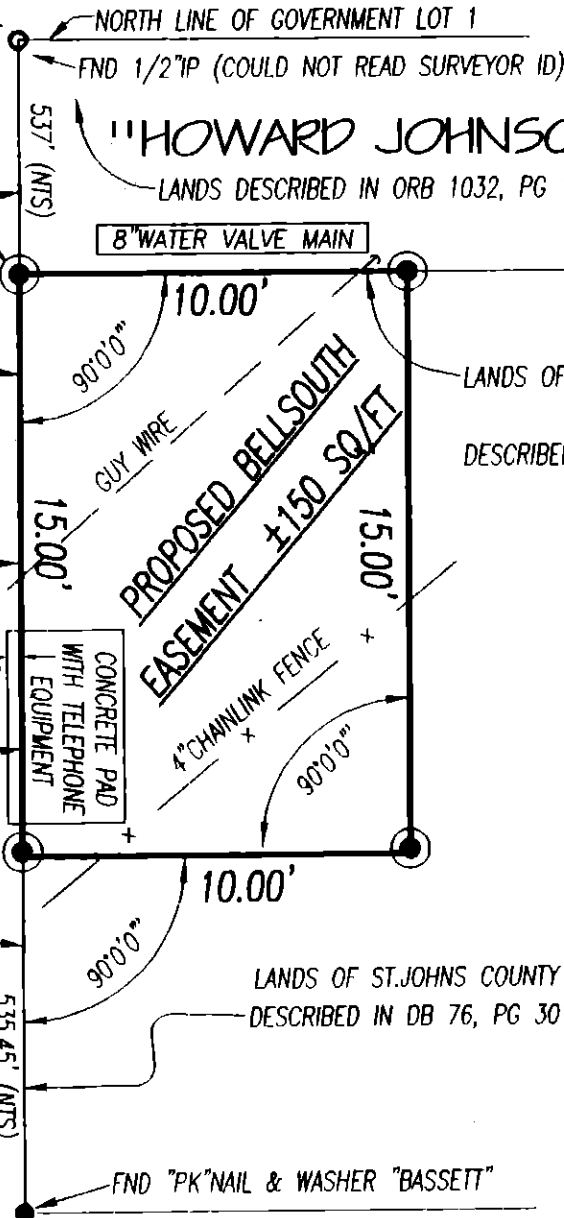
THE LAND THUS DESCRIBED CONTAINS 150 SQUARE FEET, MORE OR LESS.

FOR: BELLSOUTH TELECOMMUNICATIONS, INC.

POINT OF REFERENCE

POINT OF BEGINNING

ST. AUGUSTINE BEACH ROAD / S.R. A-1-A



ACAD DWG. "SBPOPE"

DATE: 1-29-97

DRAWN BY: JJ

CHECKED BY: JJ

- LEGEND:**
- PC=POINT OF CURVATURE
 - PT=POINT OF TANGENCY
 - PI=POINT OF INTERSECTION
 - PRC=POINT OF REVERSE CURVATURE
 - PCC=POINT OF COMPOUND CURVATURE
 - R=RADIUS
 - CH=CHORD
 - L=LENGTH
 - MSL=MEAN SEA LEVEL
 - SEC=SECTION
 - IP=IRON PIPE
 - CM=CONCRETE MONUMENT
 - PRM=PERMANANT REFERENCE MONUMENT
 - Δ=DELTA ANGLE
 - R/W=RIGHT-OF-WAY
 - PB=PLAT BOOK
 - MB=MAP BOOK
 - DB=DEED BOOK
 - ORV=OFFICIAL RECORDS VOLUME
 - ORB=OFFICIAL RECORDS BOOK
 - PG=PAGE
 - CL=CENTERLINE
 - NTS=NOT TO SCALE
 - FND=FOUND
 - TRAV=TRAVERSE
 - PL=PROPERTY LINE
 - JEA=JACKSONVILLE ELECTRIC AUTHORITY



PRIVETT & ASSOC.
OF FLORIDA, INC.
 SURVEYORS AND LAND PLANNERS

2732 TOWNSEND BOULEVARD
 JACKSONVILLE, FLORIDA, 32211
 (904) 743-7658

John M. James

PARK D. PRIVETT, JR.
 REGISTERED SURVEYOR NO. 2218 GA.
 REGISTERED SURVEYOR & MAPPER NO. 2841 FL.
 JOHN W. JAMES
 REGISTERED SURVEYOR & MAPPER NO. 4774 FL.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

I HEREBY CERTIFY THAT THE ABOVE LAND WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THE CORNERS ARE LOCATED UPON SAME AS SHOWN AND THAT THERE ARE NO ENCROACHMENTS EITHER WAY, EXCEPT AS SHOWN

NOTES:
 1) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
 2) ○ : DENOTES SET 1/2" IP "LB-4622"

CERTIFICATE: I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

FB 1094, PGS 58 & 59

c:\DWG95\DWG\SBPOPE Tue Feb 04 01:00:38 1997