

RESOLUTION NO. 98-142

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF FAVER DYKES ROAD.

WHEREAS, it is required by Ordinance the County have access to communications tower sites for periodic inspections or for dismantling the tower if the tower does not comply with St. Johns County Ordinance No. 97-05 or becomes abandoned; and

WHEREAS, acceptance of this easement does not constitute any maintenance or construction responsibility and access is given for reasons or purposes referred to herein; and

WHEREAS, the Easement as described in Exhibit "A", incorporated by reference and made a part hereof, conveys to St. Johns County the required access.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida as follows:

1. The Easement as described in Exhibit "A" is hereby accepted for the herein stated purpose.

2. The Clerk is authorized to record the executed Easement and the executed original of this Resolution in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 28 day of July, 1998.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

BY: Moses A. Floyd
Moses A. Floyd, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Cheryl Strickland
Deputy Clerk

*Marked P. Deper...
Bill...*

Prepared by and when
recorded return to:
David J. Edwards, Esq.
200 N. Laura Street, 12th Floor
Jacksonville, FL 32202

EASEMENT FOR TOWER REMOVAL

This Easement for Tower Removal is made as of May 29th, 1998, by **ROBERT D. FRAWLEY, RODNEY W. FRAWLEY, ROBERT W. FRAWLEY and GLENDA D. FRAWLEY**, whose address is 286 Monterey Avenue, St. Augustine, Florida 32095 (the "Grantor") in favor of **ST. JOHNS COUNTY, FLORIDA** (the "Grantee").

Recitals:

A. Grantor has leased a portion of Grantors' property to BellSouth Mobility Inc ("BellSouth") for the erection by BellSouth of a cellular communications tower (the "Tower").

B. As a condition of Grantee's approval to allow the construction of the Tower, BellSouth is required to: (i) post a bond or other security for the removal of the Tower if it is abandoned in the future and (ii) obtain the easement set forth herein to allow the County access to remove the Tower.

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, to it in hand paid by the Grantee, the receipt and adequacy of which are hereby acknowledged, hereby grants, bargains and transfers to the said Grantee, its successors and assigns forever, an unobstructed right-of-way and easement with the right, privilege and authority to said Grantee, its successors and assigns, of ingress, egress and access to remove the Tower, on along, over, through and across the following described land situate in St. Johns County, Florida, to wit (the "Premises"):

See Exhibit A attached

The easement granted pursuant hereto shall allow Grantee and Grantee's staff, agents, contractors, successors and assigns the right to enter the Premises for the purposes of tests, inspections, removal and/or dismantling of the Tower in the event the Tower is abandoned as set forth in applicable ordinances. The easement granted pursuant hereto shall be irrevocable and perpetual; provided, however, that once the Tower is removed from the Premises, whether by the Grantee or otherwise, this easement shall be deemed terminated. A recorded affidavit executed by the current property owner, BellSouth or the Grantee which indicates that the Tower has been removed from the Premises shall be deemed sufficient to terminate this easement of record.

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Ella C. Lucier
Name printed: Ella C. Lucier

Robert D. Frawley
ROBERT D. FRAWLEY

Ella C. Lucier
Name printed: Ella C. Lucier
David A. Lucier
DAVID A. LUCIER

Rodney W. Frawley
RODNEY W. FRAWLEY

Ella C. Lucier
Name printed: Ella C. Lucier

Ella C. Lucier
Name printed: Ella C. Lucier
David A. Lucier
DAVID A. LUCIER

Robert W. Frawley
ROBERT W. FRAWLEY

Ella C. Lucier
Name printed: Ella C. Lucier

Ella C. Lucier
Name printed: Ella C. Lucier
David A. Lucier
DAVID A. LUCIER

Glenda D. Frawley
GLENDA D. FRAWLEY

Ella C. Lucier
Name printed: Ella C. Lucier

David A. Lucier
Name printed: DAVID A. LUCIER

STATE OF FLORIDA
COUNTY OF ST JOHNS

The foregoing instrument was acknowledged before me this 29 day of MAY, 1998,
by ROBERT D. FRAWLEY who is personally known to me or has produced
_____ as identification.

ELLA CARRIE LUCIER
NOTARY PUBLIC

My Commission Expires:

Print Name: ELLA CARRIE LUCIER

Commission No. _____



ELLA CARRIE LUCIER
COMMISSION # CC 564601
EXPIRES JUN 20, 2000
BONDED THRU
ATLANTIC BONDING CO., INC.

(Seal)

STATE OF FLORIDA
COUNTY OF ST JOHNS

The foregoing instrument was acknowledged before me this 29 day of MAY, 1998,
by RODNEY W. FRAWLEY who is personally known to me or has produced
_____ as identification.

ELLA CARRIE LUCIER
NOTARY PUBLIC

My Commission Expires:

Print Name: ELLA CARRIE LUCIER

Commission No. _____



ELLA CARRIE LUCIER
COMMISSION # CC 564601
EXPIRES JUN 20, 2000
BONDED THRU
ATLANTIC BONDING CO., INC.

(Seal)

STATE OF FLORIDA
COUNTY OF ST JOHNS

The foregoing instrument was acknowledged before me this 29 day of MAY, 1998,
by ROBERT W. FRAWLEY and GLENDA D. FRAWLEY, husband and wife, who are
personally known to me or have produced
_____ as identification.

ELLA CARRIE LUCIER
NOTARY PUBLIC

My Commission Expires:

Print Name: ELLA CARRIE LUCIER

Commission No. _____



ELLA CARRIE LUCIER
COMMISSION # CC 564601
EXPIRES JUN 20, 2000
BONDED THRU
ATLANTIC BONDING CO., INC.

(Seal)

EXHIBIT "A"

DESCRIPTION OF PROPOSED LEASE PARCEL

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 752, PAGE 1788, ST. JOHNS COUNTY, FLORIDA, LYING IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER BETWEEN SECTIONS 3 AND 4, LYING ON THE SOUTH LINE OF SECTION 44; THENCE SOUTH 00°53'15" WEST ALONG SAID COMMON LINE BETWEEN SECTION 3 AND 4, A DISTANCE OF 2077.31 FEET TO THE NORTHWEST CORNER OF GOVERNMENT LOT 3; THENCE SOUTH 89°04'18" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF GOVERNMENT LOT 3 A DISTANCE OF 284.88 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 752, PAGE 1788, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 02°25'30" WEST ALONG SAID WEST LINE A DISTANCE OF 84.85 FEET; THENCE NORTH 89°04'33" EAST A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°04'33" EAST A DISTANCE OF 90.00 FEET; THENCE NORTH 02°25'30" WEST A DISTANCE OF 80.00 FEET; THENCE SOUTH 89°04'33" WEST A DISTANCE OF 90.00 FEET; THENCE SOUTH 02°25'30" EAST A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5400 SQUARE FEET MORE OR LESS.

DESCRIPTION OF PROPOSED ACCESS EASEMENT

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 752, PAGE 1788, ST. JOHNS COUNTY, FLORIDA, LYING IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER BETWEEN SECTIONS 3 AND 4, LYING ON THE SOUTH LINE OF SECTION 44; THENCE SOUTH 00°53'15" WEST ALONG SAID COMMON LINE BETWEEN SECTION 3 AND 4, A DISTANCE OF 2077.31 FEET TO THE NORTHWEST CORNER OF GOVERNMENT LOT 3; THENCE SOUTH 89°04'18" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF GOVERNMENT LOT 3 A DISTANCE OF 284.88 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 752, PAGE 1788, ST. JOHNS COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 02°25'30" WEST ALONG SAID WEST LINE A DISTANCE OF 102.85 FEET; THENCE NORTH 89°04'33" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 02°25'30" WEST A DISTANCE OF 25.00 FEET; THENCE SOUTH 89°04'33" WEST A DISTANCE OF 30.01 FEET; THENCE SOUTH 02°25'30" EAST A DISTANCE OF 1087.92 FEET TO THE NORTH RIGHT-OF-WAY OF FAVER-DYKES ROAD, A.K.A. STATE PARK ROAD (100 FOOT RIGHT-OF-WAY); THENCE NORTH 85°37'55" EAST ALONG SAID NORTH RIGHT-OF-WAY A DISTANCE OF 25.01 FEET; THENCE NORTH 02°25'30" WEST A DISTANCE OF 958.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,304.2 SQUARE FEET MORE OR LESS.

DESCRIPTION OF PROPOSED UTILITY EASEMENT

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 752, PAGE 1788, ST. JOHNS COUNTY, FLORIDA, LYING IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER BETWEEN SECTIONS 3 AND 4, LYING ON THE SOUTH LINE OF SECTION 44; THENCE SOUTH 00°53'15" WEST ALONG SAID COMMON LINE BETWEEN SECTION 3 AND 4, A DISTANCE OF 2077.31 FEET TO THE NORTHWEST CORNER OF GOVERNMENT LOT 3; THENCE SOUTH 89°04'18" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF GOVERNMENT LOT 3 A DISTANCE OF 284.88 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 752, PAGE 1788, ST. JOHNS COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 02°25'30" WEST ALONG SAID WEST LINE A DISTANCE OF 102.85 FEET; THENCE NORTH 89°04'33" EAST A DISTANCE OF 5.00 FEET; THENCE SOUTH 02°25'30" EAST A DISTANCE OF 18.00 FEET; THENCE NORTH 89°04'33" EAST A DISTANCE OF 5.00 FEET; THENCE SOUTH 02°25'30" EAST A DISTANCE OF 1042.80 FEET TO THE NORTH RIGHT-OF-WAY LINE OF FAVER-DYKES ROAD A.K.A. STATE PARK ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE SOUTH 85°37'55" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 10.01 FEET; THENCE NORTH 02°25'30" WEST A DISTANCE OF 958.78' TO THE POINT OF BEGINNING.

CONTAINING 10,521.0 SQUARE FEET MORE OR LESS.

REVISED 4/20/98 - REVISED ACCESS EASEMENT AND ADDED UTILITY EASEMENT

Bellsouth Mobility, Inc.

JAC-FDR - Faver-Dykes Rd.

CERTIFICATE OF AUTHORIZATION (LB) No. 4298

MORGAN & EKLUND, INC.
 PROFESSIONAL SURVEY CONSULTANTS

8745 U.S. HIGHWAY 1
 P.O. BOX 1420
 WABASSO, FL 32970
 PHONE: (561) 388-5364
 FAX: (561) 388-3165

1500 S.E. 3RD COURT
 SUITE 203
 DEERFIELD BEACH, FL 33441
 PHONE: (954) 421-6882
 FAX: (954) 421-0451

CERTIFICATE OF SURVEYOR - I HEREBY CERTIFY THAT THE DESCRIPTION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Kurt Stafflinger
 KURT STAFFLINGER, PLS
 REGISTERED LAND SURVEYOR No. 5496
 STATE OF FLORIDA

COMMISSION No.

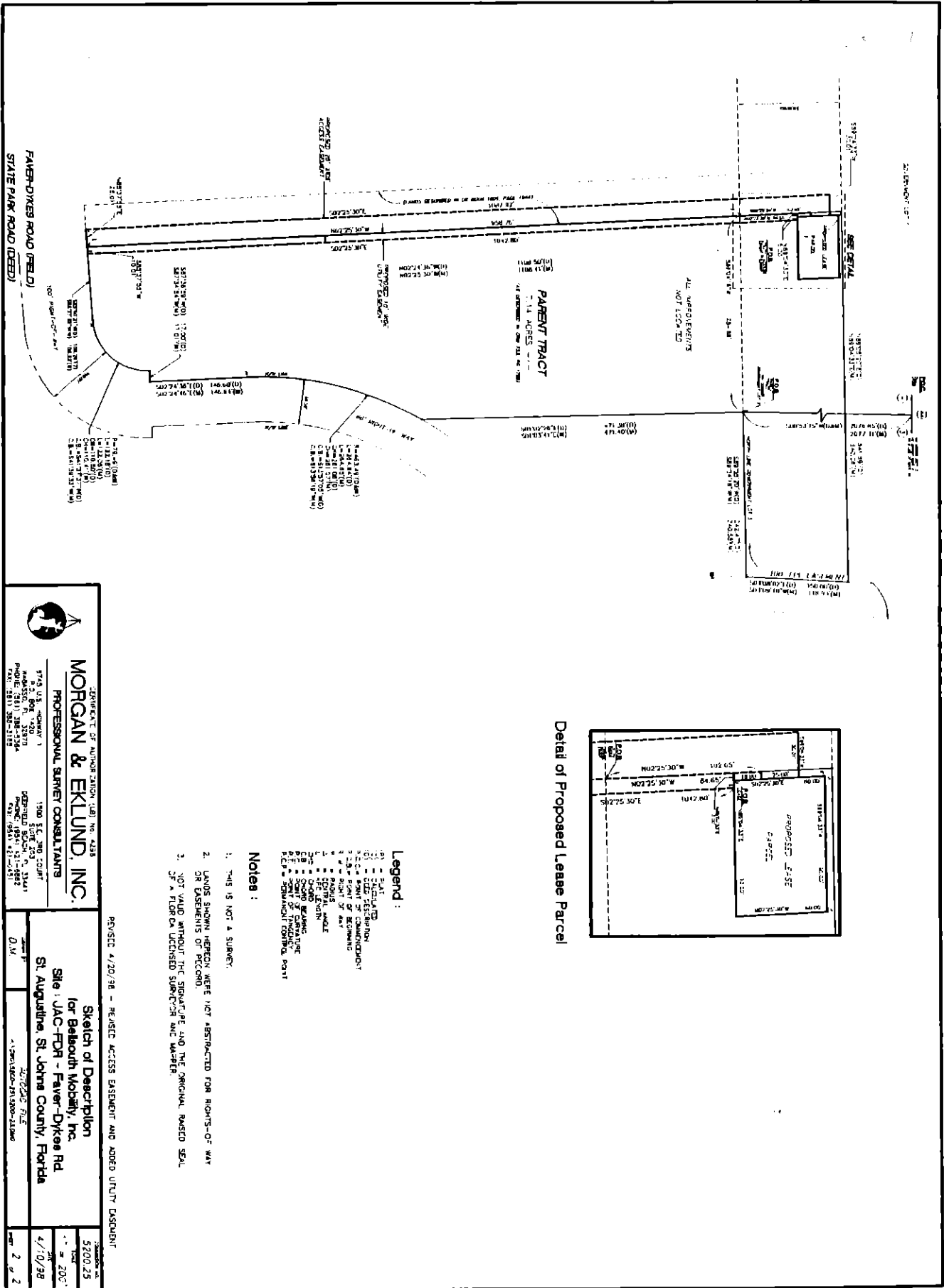
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DATE

4/10/98



EXHIBIT "A" continued



MORGAN & EKLUND, INC.
 PROFESSIONAL SURVEY CONSULTANTS

1900 E.C. 3RD COURT
 DEERFIELD BEACH, FL 33441
 PHONE: (407) 931-1111 FAX: (407) 931-1112

5714 U.S. HIGHWAY 1
 JACKSONVILLE, FL 32217
 PHONE: (904) 382-3114 FAX: (904) 382-3118

Sketch of Description
 for Balthous Mobility, Inc.
 Site: JAC-FDR - Faver-Dykes Rd
 St. Augustine, St. Johns County, Florida

DATE: 4/10/38

2 of 2

- Legend:**
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- Notes:**
1. THIS IS NOT A SURVEY.
 2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY OR EASEMENTS OF RECORD.
 3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.