

RESOLUTION NO. 98-152

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FROM CORPUS CHRISTI CATHOLIC CHURCH FOR A LIFT STATION LOCATED ON U.S. 1 SOUTH OF DATIL PEPPER ROAD.

WHEREAS, owners of certain property have presented to St. Johns County, an Easement for Utilities, attached hereto as Exhibit A, incorporated by reference and made a part hereof, conveying access, construction and utility maintenance rights for a proposed lift station on U.S. 1 south of Datil Pepper Road; and

WHEREAS, the proposed lift station will be constructed by the Department of Transportation and all the equipment and appurtenances as necessary to operate the lift station to St. Johns County Utility Department standards will be conveyed upon completion by Bill of Sale; and

WHEREAS, St. Johns County's ownership and maintenance of the lift station serves the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

1. The acceptance of the Easement for Utilities in substantially the form attached hereto, for the lift station site is hereby approved.
2. The County Administrator is hereby authorized to accept upon receipt thereof, the executed Easement for Utilities and the Bill of Sale conveying the associated equipment.
3. The Clerk is instructed to record the Easement for Utilities in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 11 day of August, 1998.

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

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

ATTEST: Cheryl Strickland, Clerk

By: Patricia Lopez
Deputy Clerk

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this _____ day of _____, 1998, by John J. Snyder as Bishop of the Diocese of St. Augustine with an address of 6175 Datil Pepper Road, St. Augustine, FL 32086 Hereinafter called "Grantor" to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is c/o Clerk of Courts, P.O. Drawer 349, St. Augustine, Florida 32085, hereinafter called "Grantee".

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby agree as follows:

1. Grantor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground sewer collection system, (including lift stations) and all other equipment and appurtenances as may be necessary or convenient for the operation of the sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress on and over the Easement Area as necessary for the use and enjoyment of the easement herein granted. This easement is for sewer utility services only and does not convey any right to install other utilities such as cable television service lines.

Grantor does hereby warrant that the easement herein granted is free and clear of covenants, restrictions, easements, liens and encumbrances, except as set forth on Exhibit "B" attached hereto;

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocating the underground water and sewer utility lines and facilities located within the Easement area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by an in the title of the Grantor.

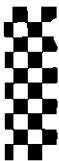
(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of commercial improvements constructed upon the adjacent property owned by Grantor.

2. Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of such sewer service laterals. Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals. The Grantee shall maintain all water mains and other elements of the water distribution system up to the point of connection with the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining water meters and any water lines between the water meter and the improvements served by the utility system.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other similar surface improvements. Grantor or Grantor's successors and assigns shall be solely , responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. Nothing in this section shall, however, relieve Grantee of liability for damage caused to improvements by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding upon Grantee and its successors and assigns.

5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.



IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized offices and its corporate seals to be hereunto affixed as of the day and year first above written.

Signed, Sealed and

Delivered in the presence of:

Diocese of St. Augustine
Corpus Christi Catholic Church

Witness

By: _____
Its Bishop

Witness

Date of Execution _____

STATE OF FLORIDA }
 }
COUNTY OF ST. JOHNS }

This instrument was acknowledged before me this _____ day of _____, 1998 by _____ John J. Snyder as Bishop of the Diocese of St. Augustine.

(Print Name)
NOTARY PUBLIC
State of _____ at Large
Commission # _____
My Commission Expires:

Personally known _____
or Produced I.D. _____
[check one of the above]

Type of Identification Produced

EXHIBIT "A"

A PART OF SECTION 45, TOWNSHIP 1 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE FOR A POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF DATIL PEPPER ROAD, AS NOW ESTABLISHED, WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO 1, A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTH $8^{\circ}22'55''$ EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 1, A DISTANCE OF 560.0 FEET; THENCE SOUTH $89^{\circ}36'44''$ WEST 40.39 FEET; THENCE NORTH $8^{\circ}22'55''$ WEST 34.17 FEET; THENCE NORTH $45^{\circ}00'24''$ EAST 8.77 FEET; THENCE NORTH $89^{\circ}36'44''$ EAST 13.08 FEET; THENCE NORTH $8^{\circ}22'55''$ WEST 303.24 FEET; THENCE NORTH $81^{\circ}37'05''$ EAST 5.0 FEET; THENCE NORTH $8^{\circ}22'55''$ WEST 215.67 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID DATIL PEPPER ROAD; THENCE NORTH $89^{\circ}36'41''$ EAST 15.15 FEET TO THE POINT OF BEGINNING.

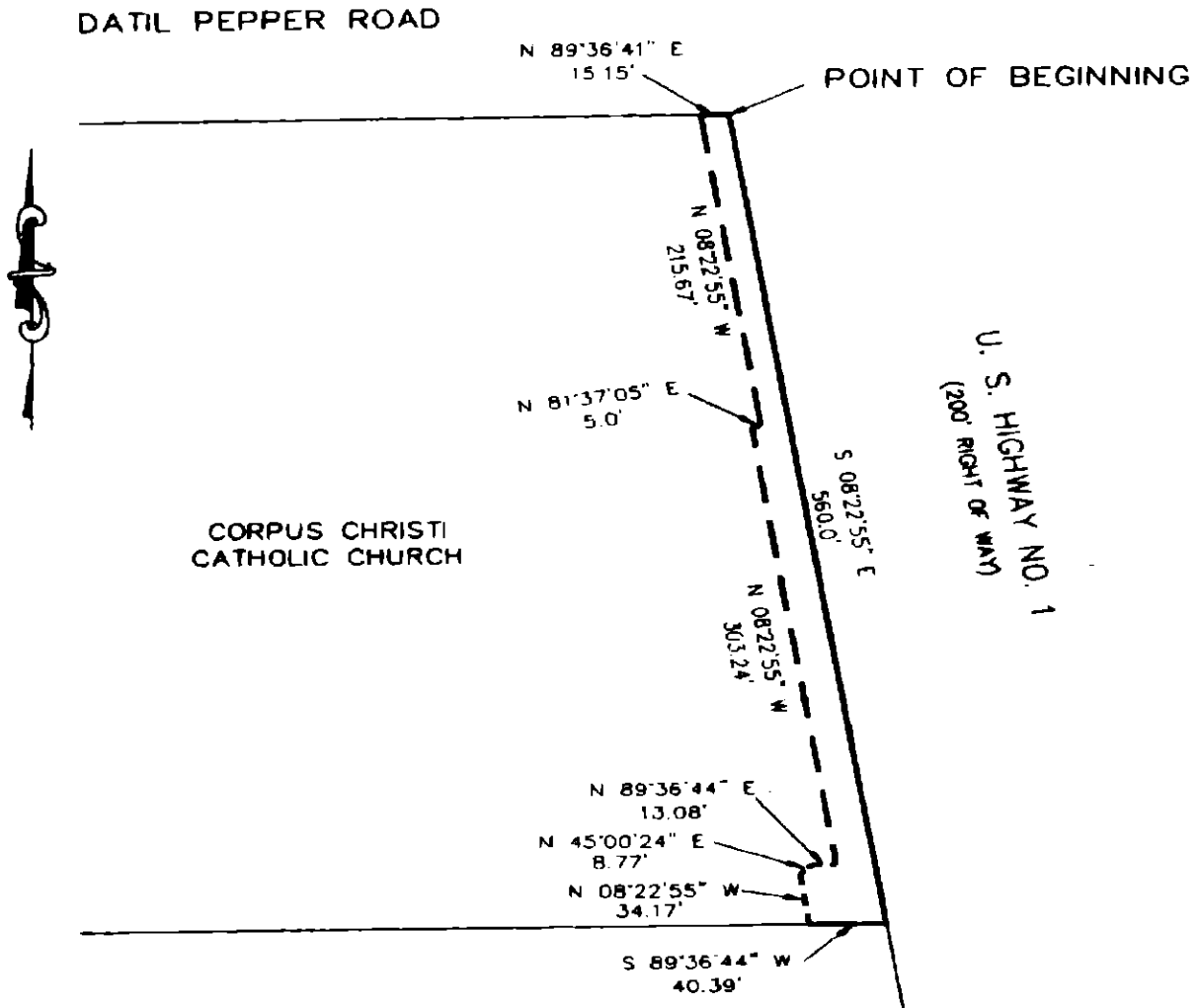
EXHIBIT "B"

- I. RIGHTS OF THE PUBLIC AND THE CORPUS CHRISTI CATHOLIC CHURCH TO UTILIZE THE PROPERTY DESCRIBED ON EXHIBIT "A" FOR INGRESS AND EGRESS AND SUCH OTHER PURPOSES AS MAY BE AUTHORIZED BY THE DIOCESE OF ST. AUGUSTINE.**

MAP TO SHOW

A PART OF SECTION 45, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE FOR A POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF DATIL PEPPER ROAD, AS NOW ESTABLISHED, WITH THE WESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTH 8°22'55" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID U. S. HIGHWAY NO. 1, A DISTANCE OF 560.0 FEET; THENCE SOUTH 89°36'44" WEST 40.39 FEET; THENCE NORTH 8°22'55" WEST 34.17 FEET; THENCE NORTH 45°00'24" EAST 8.77 FEET; THENCE NORTH 89°36'44" EAST 13.08 FEET; THENCE NORTH 8°22'55" WEST 303.24 FEET; THENCE NORTH 81°37'05" EAST 5.0 FEET; THENCE NORTH 8°22'55" WEST 215.67 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID DATIL PEPPER ROAD; THENCE NORTH 89°36'41" EAST 15.15 FEET TO THE POINT OF BEGINNING.

FOR: CORPUS CHRISTI CATHOLIC CHURCH



NOTES:

1. THIS IS A MAP ONLY AND DOES NOT REPRESENT A FIELD SURVEY.
2. BEARINGS REFER TO THE WEST RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1 BEING S 8°22'55" E, ASSUMED DATUM.

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

Frank W. Jones, Jr.
 FRANK W. JONES, JR.
 FLORIDA REGISTERED LAND SURVEYOR NO: 2772

FRANK JONES & ASSOCIATES
 LAND SURVEYORS AND LAND PLANNERS

LB 8485
 8111 OLD KINGS ROAD SOUTH
 BUILDING 1, SUITE A
 JACKSONVILLE, FLORIDA 32217
 TELEPHONE (904) 448-5424

MAP DATE: MAY 22, 1998 SCALE: 1" = 100'
 WORK ORDER NO. 98055 DRAWING: 1576-A

FIELD BOOK N/A