

RESOLUTION NO. 98-212

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF DEER PARK BOULEVARD.

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 8 day of December, 1998.

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

BY: Marc A. Jacobone
Marc A. Jacobone, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. DeGrande
Deputy Clerk

Handwritten notes:
Darker - P. DeGrande
- Bill CO -
BCC Secty
RC - 25
Sur - 350

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 April 28, 1998, by **ST. AUGUSTINE INDUSTRIAL PARK, INC.**, the address of which is St. Augustine Industrial Park, 2215 South Third Street, Suite 201, Jacksonville Beach, Florida 32250 (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:

ST. AUGUSTINE INDUSTRIAL PARK, INC., a Florida corporation

Diane J. Loftus
(Printed Name) Diane J. Loftus

By: FALum Pres
Print Name: FRED L. AHERN
Title: PRESIDENT

Russell D. Wilson
(Printed Name) Russell D. Wilson

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 29 day of April, 1998, by Fred L. Ahern, as President of **ST. AUGUSTINE INDUSTRIAL PARK, INC.**, a Florida corporation, on behalf of the corporation, who is personally known to me or who has produced _____ as identification.

My Commission Expires: 3/23/02

Diane J. Loftus
NOTARY PUBLIC
Print Name: Diane J. Loftus
Commission No. _____

c:\bellsouth\stw\lease.

(Seal)



DESCRIPTION OF PROPOSED LEASE PARCEL

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHN'S COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9, PROCEED NORTH 01°23'54" WEST ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 195.01 FEET; THENCE SOUTH 88°16'50" WEST A DISTANCE OF 1759.70 FEET; THENCE NORTH 01°14'43" WEST A DISTANCE OF 2357.61 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 207; THENCE NORTH 53°48'00" WEST A DISTANCE OF 182.00 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 207; THENCE SOUTH 36°12'00" WEST ALONG THE SAID NORTHWESTERLY RIGHT-OF-WAY OF STATE ROAD NO. 207 A DISTANCE OF 491.73 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE SOUTH 35°50'00" WEST A DISTANCE OF 679.24 FEET; THENCE NORTH 02°23'40" WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 00°18'58" WEST A DISTANCE OF 56.77 FEET TO A POINT ON A NON-TANGENT CURVE; SAID CURVE HAVING A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 47°49'21", A CHORD BEARING OF NORTH 24°13'39" WEST, AND A CHORD DISTANCE OF 283.73 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 292.13 FEET; THENCE NORTH 00°18'58" WEST A DISTANCE OF 638.03'; THENCE NORTH 01°40'49" WEST A DISTANCE OF 1385.58 FEET; THENCE SOUTH 88°19'11" WEST A DISTANCE OF 611.33 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°19'11" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 01°40'49" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 88°19'11" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTH 01°40'49" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2500 SQUARE FEET MORE OR LESS.

REVISED 2/8/98 - RE-POSITION LEASE PARCEL AND ACCESS EASEMENT

Bellsouth Mobility, Inc.

St. Augustine West - JAC-STW

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: (813) 338-5384
FAX: (813) 381-3165

1500 S.E. 3RD COURT
SUITE 203
DEERFIELD BEACH, FL 33441
PHONE: (954) 421-8882
FAX: (954) 421-0451

CERTIFICATE OF SURVEYOR - I HEREBY CERTIFY THAT THE DESCRIPTION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 81G17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

JOHN R. MORGAN, P.L.S.
REGISTERED LAND SURVEYOR No. 3520
STATE OF FLORIDA

COMMISSION No.
5200.20

DATE
01/12/98

SHEET 1 of 3

DESCRIPTION OF PROPOSED ACCESS EASEMENT

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CONTAINING 26,208.9 SQUARE FEET MORE OR LESS.

REVISED 2/8/98 - RE-POSITION LEASE PARCEL AND ACCESS EASEMENT

Bellsouth Mobility, Inc.

St. Augustine West - JAC-STW

CERTIFICATE OF AUTHORIZATION (LB) No. 4298

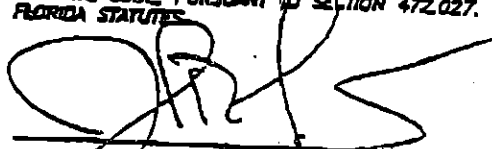
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JOHN R. MORGAN II, PLS
REGISTERED LAND SURVEYOR No. 3520
STATE OF FLORIDA

COMMISSION No.
5200.20

DATE
01/12/98

SHEET 2 OF 2

EXHIBIT "A" CONTINUED

