

RESOLUTION NO. 98- 74

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A CERTAIN LICENSE TO BELLSOUTH TELECOMMUNICATION INC. ("BELL SOUTH") FOR THE BENEFIT OF THE BAYVIEW NURSING AND ASSISTED LIVING FACILITIES.

WHEREAS, Bayview Nursing and Assistant Living Facilities has a lease on property owned by St. Johns County "the property", and

WHEREAS, Bayview Nursing and Assistant Living Facilities have requested that BellSouth Telecommunication Inc. ("BellSouth") service their facilities located on "the property", and

WHEREAS, BellSouth will require a License from St. Johns County as owners of " the property" to construct and maintain their facilities located thereon.

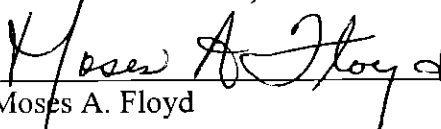
NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. The Board hereby approves the License in substantially the form attached hereto and authorizes the County Administrator to execute such License (or one in substantially this form).

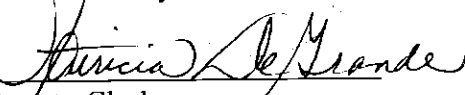
Section 2. The Clerk is instructed to file the original License and mail executed copies of this Resolution and License to Fernando Garcia, Esquire, Adorno & Zeder, A Professional Association, 2601 South Bayshore Drive, Miami, Florida, 33313 and to Linda Jones, Right of Way Agent, Truevance Corporation, Communications Consultants, 3633 Andrew Jackson Drive, Pace, Florida, 32571.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 24 day of March, 1998.

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

By: 
Moses A. Floyd
Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

STATE OF FLORIDA

COUNTY OF St. Johns

Preparer's name and address:
(Return document to the
BellSouth address on back)

Fernando Garcia, Esq.
Adorno Azar, P.A.
2601 S. Bayshore Drive, 1100
Miami, Florida 33133

I & R

LICENSE

For and in consideration of Ten dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, **ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, its licensees, contractors, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, a License to construct, operate, maintain, add, and/or remove such systems of communications, facilities, or related services as the Grantee may from time to time require upon, over, and under the following lands located in St. Johns County, Florida Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said real property which is legally described as follows and is hereinafter referred to as the Licensed Property:

6

SEE ATTACHED EXHIBIT "A"

The following rights are also granted with regard to the Licensed Property: the right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said License and Licensed Property for communications or electric power transmission or distribution; ingress to and egress from said License and Licensed Property at all times; the right, but not the obligation, to clear the License and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the License which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said Licensed Property to conform to any future highway relocation, widening, or improvements or any requirements of the Grantee.

Recorded in Public Records, St. Johns County, FL
Perk# 98012705 O.R. 1306 PG 618 11:24AM 03/27/1998
Recording \$25.00 Surcharge \$3.50 Doc Stamps \$0.70

To have and to hold the above granted License unto BellSouth Telecommunications, Inc., its licensees, agents, successors, assigns, and allied and associated companies forever and in perpetuity subject to the provisions hereof. This License shall become irrevocable upon commencement of installation by Grantee of communications systems or facilities on the Licensed Property and it shall remain irrevocable so long as telecommunications service is provided by such systems or facilities or such systems or facilities are being installed by the Grantee. No other person or entity shall be granted an interest in the Licensed Property or another license which supersedes this License. Any interest granted in the Licensed Property or other license granted by Grantor after the date of this License shall be exercised only in a manner that does not conflict with, restrict or adversely affect Grantee's use of the License granted herein.

The License is binding and is enforceable against and on the Licensed Property, the Grantor and its successors and assigns.

Grantor acknowledges that Grantee, in reliance on this License, will be expending substantial sums of money and/or incurring substantial obligations in connection with the installation of systems or facilities on the Licensed Property.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 24th day of March, 1998.

"GRANTOR"

Signed, sealed, and delivered
in the presence of:

ST. JOHNS COUNTY, FLORIDA, A
POLITICAL SUBDIVISION OF THE STATE
OF FLORIDA

Patricia DeGrande
Witness Patricia DeGrande

By: [Signature]
Name: Ben W. Adams, Jr.
Title: County Administrator
Date: March 24, 1998

Stacy A. McDaniel
Witness Stacy A. McDaniel

State of Florida
County of St. Johns

O.R. 1306 PG 0620

I HEREBY CERTIFY that Ben W. Adams, Jr. as County Administrator of St. Johns County, Florida, a Political Subdivision of the State of Florida, personally appeared before me and acknowledged that he/she was the same. The foregoing instrument was acknowledged before me this 24th day of March, by Ben W. Adams, Jr., who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Witness my hand and official seal in the County and State last aforesaid this 24th day of March, 1998.

Yvonne Carter
Notary Public

Yvonne Carter
Print Name



Yvonne Carter
MY COMMISSION # CC516022 EXPIRES
February 3, 2000
BONDED THRU TROY FAIR INSURANCE, INC.

CC516022
Commission Number:

My Commission Expires:
February 3, 2000

Grantor's Address:
P.O. Drawer 349
St. Augustine, FL 32085-0349

Grantee's Address:
BellSouth Telecommunications, Inc.
301 West Bay Street Room 15661
Jacksonville, FL 32202

TO BE COMPLETED BY BELLSOUTH TELECOMMUNICATIONS, INC.

District	FRC	Wire Center/NXX	Authority
Drawing	Area Number	Plat Number	RWID
Approval	Title		

The undersigned, as lessee of the Licensed Property, hereby joins in this License for the purpose of acknowledging its acceptance and agreement to same.

Signed, sealed, and delivered
in the presence of:

ST. JOHNS COUNTY WELFARE
FEDERATION, a Florida not-for-profit
corporation

Stacey McDaniel

Witness Stacey m Daniel

Yvonne Carter

Witness Yvonne CARTER

By: [Signature]

Name: LARRY B. LAKE

Title: Executive Director / CEO

Date: 3/24/98

State of Florida
County of St. Johns

I HEREBY CERTIFY that Larry B. Lake, as Executive Director of St. Johns County Welfare Federation, a Florida not-for-profit corporation, personally appeared before me and acknowledged that he/she was the same. The foregoing instrument was acknowledged before me this 24th day of March, by Larry B Lake, who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Witness my hand and official seal in the County and State last aforesaid this 24th day of March, 1998.

Yvonne Carter

Notary Public

Yvonne Carter

Print Name

CC516022

Commission Number:

My Commission Expires:

February 3, 2000



Yvonne Carter
MY COMMISSION # CC516022 EXPIRES
February 3, 2000
BONDED THRU TRIPLY PAID INSURANCE, INC.



SKETCH TO ACCOMPANY DESCRIPTION OF :

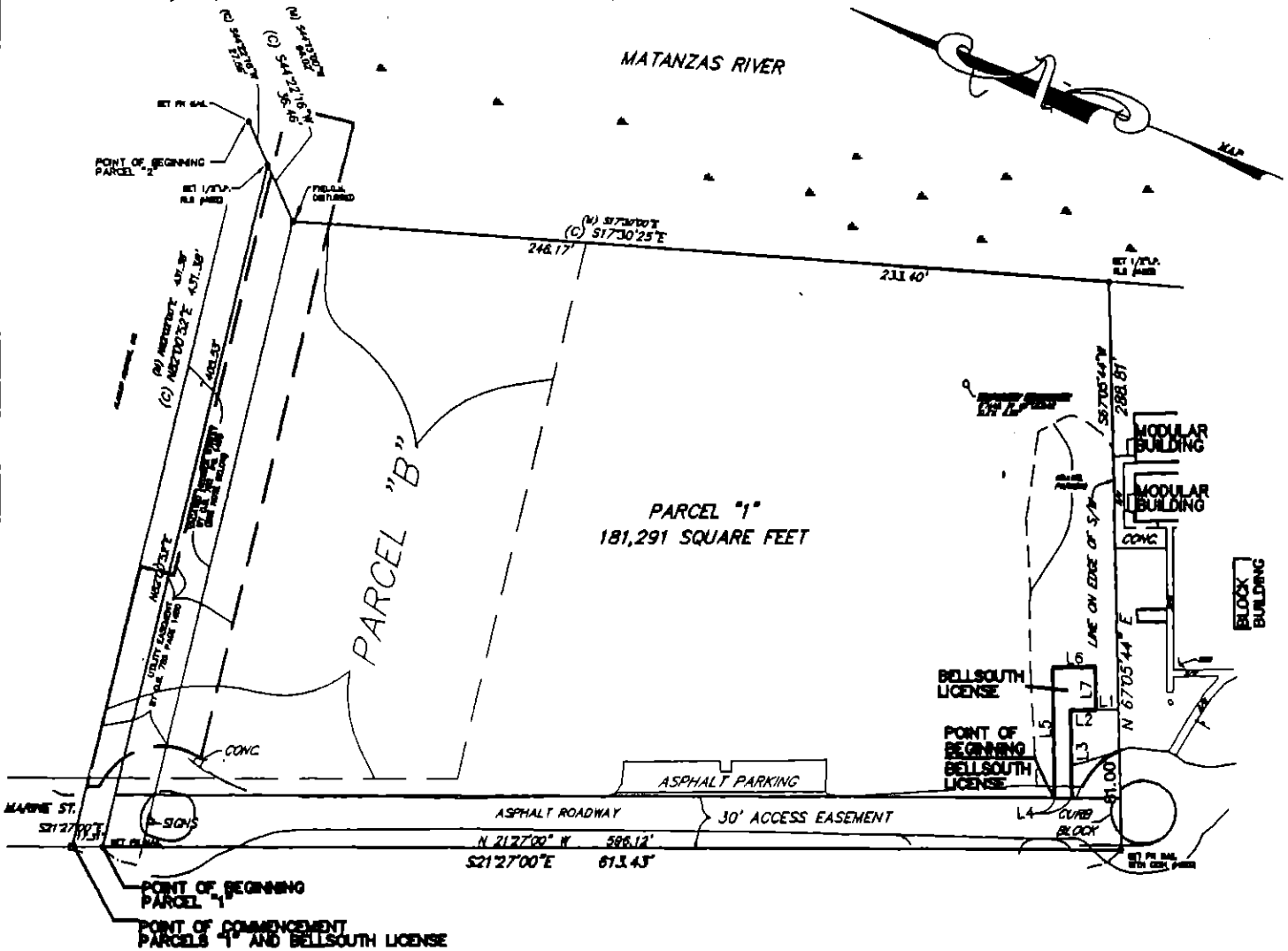
**A PROPOSED BELLSOUTH EQUIPMENT LICENSE LOCATION
BEING PART OF BLOCK 49, POWDERHOUSE LOT,
IN THE CITY OF ST. AUGUSTINE, FLORIDA, IN
TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA.**

PARCEL "1"

A PART OF BLOCK 49, POWDERHOUSE LOT, AND THAT AREA ACCRETED THERETO, IN THE CITY OF ST. AUGUSTINE, TOWNSHIP 7 SOUTH, RANGE 30 EAST, TALLAHASSEE MERIDIAN, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at a point on the northern boundary line of Block 49 Powder House Lot and its intersection with the westerly right of way line of Marine Street (a 40 foot right of way as now exists), being an 8" x 8" monument; thence departing said northerly line of Block 49, Powder House Lot, South 21°27'00" East, a distance of 17.31 feet to the Point of Beginning; thence North 82°00'52" East, within the vacated former Hedrick Street right of way, a distance of 405.53 feet, to a point on the easterly boundary line of Block 49, Powder House Lot; thence South 44°22'16" West, along said easterly line of Block 49, Powder House Lot, a distance of 36.46 feet; thence continuing along said easterly line, South 17°30'25" East, a distance of 246.17 feet to an intersection with a Jurisdictional wetlands line; thence follow said wetlands line the following courses: South 42°10'18" West, 10.12 feet; South 28°03'19" West, 30.96 feet; North 84°31'50" West, 22.22 feet; South 26°21'44" East, 76.23 feet; South 19°08'21" East, 45.88 feet; South 22°50'09" East, 43.19 feet; South 10°46'53" West, 38.78 feet; South 50°23'27" East, 24.61 feet to a point; thence South 67°05'44" West, departing said jurisdictional wetlands line, a distance of 288.81 feet to corner; thence North 21°27'00" West, a distance of 596.12 feet to the Point Of Beginning.

Subject parcel thus described contains 181,291 square feet or 4.1619 acres, more or less.



CERTIFIED AS BEING CORRECT TO:

BELLSOUTH TELEPHONE COMPANY

NOTE :

1. ALL BOUNDARY INFORMATION PERTAINS TO LEGAL DESCRIPTION OF PARENT TRACT.
2. SUBJECT SKETCH WAS DONE WITHOUT BENEFIT OF TITLE ABSTRACT; THEREFORE, THERE MAY BE EASEMENTS AFFECTING SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

ABBREVIATIONS:	
N	NORTH
S	SOUTH
E	EAST
W	WEST
(M)	MAP
(F)	FOUND
(C)	CALCULATED
(I.P.)	IRON PIPE
(R)	RADIUS
(B.C.)	CHORD BEARING
(CL)	CENTERLINE
(L)	ARC LENGTH

LINE	DIRECTION	DISTANCE
L1	N 22°54'18" W	13.00'
L2	N 22°54'16" W	15.00'
L3	S 67°05'44" W	50.27'
L4	N 21°27'00" W	10.00'
L5	N 67°05'44" E	75.02'
L6	S 22°54'16" E	25.00'
L7	S 67°05'44" W	25.00'

ATLANTIC ~ GULF SURVEYING CO.

LAND & ENGINEERING SURVEYS

8031 PHILLIPS HWY., SUITE 6,
PERIMETER CENTER @ DEERWOOD
JACKSONVILLE, FLORIDA 32256
904-731-8344

Exhibit "A"

I HEREBY CERTIFY THIS SKETCH WAS DONE UNDER MY DIRECT SUPERVISION, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AS SET FORTH UNDER RULE 61G17-6.003 OF CHAPTER 472, FLORIDA STATUTES.

Brian R. Marie
By: **BRIAN R. MARIE**
FLORIDA CERTIFICATE NO. 4852

FLOOD NOTE

PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE _____ AS BEST DETERMINED FROM F.E.M.A. FLOOD MAPS PANEL NO. _____ DATED _____

LEGEND

- SET IRON PIN OR PIPE
- FOUND IRON PIN OR PIPE
- SET CONCRETE MONUMENT
- FOUND CONCRETE MONUMENT
- △ TRAVERSE OR CONTROL POINT
- X WOOD FENCE
- E.O.P. EDGE OF PAVEMENT

ABBREVIATIONS:

N	NORTH
S	SOUTH
E	EAST
W	WEST
(P)	PLAT
(F)	FOUND
(C)	CALCULATED
FND	FOUND
I.P.	IRON PIPE
CL	CENTERLINE

JOB NO. 98S823B DATE 2-13-88
DATE OF SURVEY N/A DRAFTER B.R.M.
FIELD BOOK N/A SCALE 1"=100'

REVISIONS :

DATE	DATE



ATLANTIC ~ GULF SURVEYING CO.

LAND & ENGINEERING SURVEYS

O.R. 1306 PG 0623

BRIAN R. MARIE, P.L.S.
President

PROPOSED BELLSOUTH EQUIPMENT LICENSE LOCATION

A PART OF BLOCK 49, POWDER HOUSE LOT, IN THE CITY OF ST. AUGUSTINE, TOWNSHIP 7 SOUTH, RANGE 30 EAST, TALLAHASSEE MERIDIAN, IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at a point on the northern boundary line of Block 49 Powder House Lot and its intersection with the westerly right of way line of Marine Street (a 40 foot right of way as now exists), being an 8" x 8" monument thence departing said northerly line of Block 49, Powder House Lot, South 21°27'00" East, a distance of 613.43 feet to a PK nail & disk in asphalt; thence North 67°05'44" East, a distance of 81.00 feet to a point; thence perpendicular to the last described line, North 22°54'16" West, a distance of 13.00 feet to the Point of Beginning of subject easement; thence continue North 22°54'16" West, a distance of 15.00 feet to a point; thence South 67°05'44" West, a distance of 50.27 feet to a point on the northerly line of a 30 foot wide access easement; thence North 21°27'00" West, along said northerly line thereof, a distance of 10.00 feet to a point; thence North 67°05'44" East, a distance of 75.02 feet to a point; thence South 22°54'16" East, a distance of 25.00 feet to a point; thence South 67°05'44" West, a distance of 25.00 feet to the Point of Beginning.

Exhibit "A"

6455 POWERS AVENUE JACKSONVILLE, FLORIDA 32217
PHONE: (904) 731-8341 - FAX: (904) 636-8828