

RESOLUTION NO. 98 96

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING TWO ACCESS EASEMENTS TO CERTAIN COMMUNICATIONS TOWER SITES LOCATED NEAR THE INTERSECTION OF FRANCIS ROAD AND I 95 AND AT THE INTERSECTION OF STATE ROAD NO. 16 AND I 95.

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 Easements attached hereto as Exhibit "A" and Exhibit "B", incorporated by reference and made a part hereof, conveys St. Johns County required access.


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

1. The Easements as described in Exhibit "A" and Exhibit "B" are hereby accepted for the herein stated purpose.
2. The County Administrator is hereby authorized to execute Exhibit "A" and Exhibit "B" as evidence of County acceptance.
3. The Clerk is authorized to record the Easements in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 12 day of May, 1998.

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

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


ATTEST: Cheryl Strickland, Clerk

By: Patricia DeGrande
Deputy Clerk

Exhibit "A" to Resolution

601 Riverside Avenue
12th Floor
Jacksonville, FL 32204

GRANT OF EASEMENT

THIS INDENTURE, made this ____ day of _____, 1998, between J. William & Isabelle S. Lockhart, a married couple, whose address is 4 Villa Court, Safety Harbour, Florida 34695, (Grantor) and St. Johns County, Florida, whose address is P.O. Drawer 349, Saint Augustine, Florida, 32085 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property located in St. Johns County, Florida, (the "Property"), as described in Exhibit "A" attached hereto and by this reference incorporated herein.

WHEREAS, Grantor has entered into a leasehold agreement with Alltel Communications, Inc. a Delaware Corporation, ("Lessee") for the construction of a communications tower to be located on the Property.

WHEREAS, Grantee requires an access easement to the subject communications tower site for periodic inspections or for dismantling the tower if the subject tower does not comply with Section 1.00.15 time period of St. Johns County Ordinance 97-05.

WHEREAS, said easement is described in Exhibit "B" attached.

NOW, THEREFORE, Grantor has granted and by these presents does grant unto Grantee an easement and access right of way as described in Exhibit "B" attached for the purposes of inspecting and/or dismantling communications tower.

It is distinctly understood and agreed that this does not constitute a conveyance of any part of the land but grants only the right of way and easement as provided above.

Grantor retains for itself and its successors and assigns the right to use and enjoy the above-described land except as the use thereof may be necessary for the purposes granted herein.

This right of way and easement shall not be assignable by Grantee in whole or in part without written consent of Grantor.

To have and to hold the herein-described easement and right of way until the use of said easement and right of way shall be abandoned. Grantee agrees to execute an

instrument in recordable form releasing said easement when it is no longer using the easement for the purposes set out herein.

IN WITNESS WHEREOF, St. Johns County, a political subdivision of the State of Florida has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said board this _____ day of _____, 1998.

GRANTOR:
J. WILLIAM & ISABELLE S. LOCKHART,
a married couple

Witness:

Name: _____ J. William Lockhart
Date: _____
Date

Witness:

Name: _____
Date: _____

Witness:

Name: _____ Isabelle S. Lockhart
Date: _____
Date

Witness:

Name: _____
Date: _____

**GRANTEE:
ST. JOHNS COUNTY, FLORIDA**

Witness:

_____	_____
Name: _____	BY: _____
Date: _____	ITS: _____

	Date

STATE OF _____
COUNTY OF _____

BEFORE ME the undersigned authority personally appeared J. William Lockhart who acknowledged before me the execution of this instrument. He is personally known to me.

IN WITNESS WHEREOF I have set my hand and seal upon this _____ day of _____, 1998.

_____ (Sign)
 _____ (Print)

NOTARY PUBLIC
State of _____
Commission No. _____
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

BEFORE ME the undersigned authority personally appeared Isabelle S. Lockhart who acknowledged before me the execution of this instrument. She is personally known to me.

IN WITNESS WHEREOF I have set my hand and seal upon this _____ day of _____, 1998.

(Sign)

(Print)

NOTARY PUBLIC

State of _____

Commission No. _____

My Commission Expires: _____

STATE OF _____
COUNTY OF _____

BEFORE ME the undersigned authority personally appeared _____ as _____ of St. Johns County, Florida, who acknowledged before me the execution of this instrument by authority and on behalf of said County. He/She is personally known to me.

IN WITNESS WHEREOF I have set my hand and seal upon this _____ day of _____, 1998.

(Sign)

(Print)

NOTARY PUBLIC

State of _____

Commission No. _____

My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Parent Tract:

Being part of Lot 1, Section 38, Township 6 South, Range 28 East, described as follows:
Beginning at a point where the South right of way line of a county road, known as Freddie Francis Road, intersects the East right of way line of U.S. Highway I-95, thence run Southerly along the East right of way line of said U.S. Highway I-95, 800 feet more or less to the property of Swanson B. Lockhart and Pearl Mae Lockhart, his wife as described in Deed Book 240, page 145, Public Records of St. Johns County, Florida; thence Easterly along Lockhart's North line to a point which, if measured at right angles to said East right of way line of said U.S. Highway I-95, would be 40 feet distance therefrom; thence Northerly on a line parallel to the East right of way line of said U.S. Highway I-95 and at all times 40 feet equidistant thereto, 840 feet more or less to the South line of Freddie Francis Road to point of beginning.

ALSO: All that portion of the following described property lying and being West of right of way of U.S. Highway I-95.

Being part of Lot 1, Section 38, Township 6 South, Range 28 East, described as follows:
Commencing at the U.S. Government Monument which marks the intersection of the South line of Section 14 and the East line of said Lot 1, thence run Northerly along the East line of said Lot 1, 1,931 feet, more or less, to the property of Weinstein and Payne; thence run Westerly along the South line of the property of Weinstein and Payne, 987.3 feet to the East line of Francis Road; thence run Southerly along the East line of Francis Road 1,915 feet, more or less, to the property of Swanson B. Lockhart and Pearl Mae Lockhart, his wife, as described in deed recorded in Deed Book 240, page 145, Public Records of St. Johns County, Florida; thence run Easterly along the North line of the property of Swanson B. Lockhart and Pearl Mae Lockhart, his wife, 1063.5 feet to point of beginning.

Proposed Lease Area

Commence at the Northeast corner of Section 40, Township-6-South, Range-28-East and run along the Easterly line of said section 40, South 20'200'00" West, a distance of 663.04 feet to its intersection with the Westerly right-of-way line of interstate 95 (a 300 foot right-of-way as now established); thence run along said westerly right-of-way line, North 27'43'38" west, a distance of 1421.81 feet to its intersection with the easterly right-of-way line of Francis Road (A 66 foot right-of-way as now established); thence run along said Easterly right of way line of Francis Road, South 21'27'22" West, a distance of 454.88 feet; thence departing said Easterly right-of-way line, a distance of 332.96 feet to the point of beginning; thence continue perpendicular to said Easterly right-of-way line, South 68'32'38" East, a distance of 50.00 feet; thence run South 21'27'22" West, parallel to said Easterly right-of-way line of Francis Road, a distance of 50.00 feet, thence run North 68'32'38" West, perpendicular to said Easterly right-of-way line of Francis Road, a distance of 50.00 feet, thence run North 21'27'22" East, parallel to said Easterly

Exhibit "B" to Easement

right-of-way line of Francis Road, a distance of 50.00 feet to the point of beginning. Containing 2500 square feet, more or less.

Ingress and Egress Easement:

Commence at the Northeast Corner of Section 40, Township-6-South, Range-28-East, and run along the easterly line of said Section 40, South 20'20'00" West, a distance of 663.04 feet to its intersection with the Westerly right-of-way line of interstate 95 (a 300 foot right-of-way as now established); thence run along said westerly right-of-way line, north 27'43'38" West a distance of 1421.81 feet to its intersection with the Easterly right-of-way line of Francis Road (A 66 foot right-of-way as now established); thence run along said Easterly right-of-way line of Francis Road, South 21'27'22" West, a distance of 454.88 feet to the point of beginning; thence departing said Easterly right-of-way line, run South 68'32'38" East, perpendicular to said Easterly right-of-way line. A distance of 332.96 feet; thence run South 21'27'22" West, parallel to said Easterly right-of-way line of Francis Road, a distance of 30.00 feet; thence run North 68'32'38" West, perpendicular to said Easterly right-of-way line Francis Road, a distance of 332.96 feet to a point on the aforementioned Easterly right-of-way line of Francis Road; thence 21'27'22" East, a distance of 30.00 feet to the point of beginning. Containing 9989 square feet, more or less.

Exhibit "B" to Resolution

601 Riverside Avenue
12th Floor
Jacksonville, FL 32204

GRANT OF EASEMENT

THIS INDENTURE, made this _____ day of _____, 1998, between Maley Family Limited Partnership, whose address is 2450 S.R. 16, St. Augustine, Florida 32092, ("Grantor") and St. Johns County, Florida, whose address is P.O. Drawer 349, Saint Augustine, Florida, 32085 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property located in St. Johns County, Florida, (the "Property"), as described in Exhibit "A" attached hereto and by this reference incorporated herein.

WHEREAS, Grantor has entered into a leasehold agreement with Alltel Communications, Inc. a Delaware Corporation, ("Lessee") for the construction of a communications tower to be located on the Property.

WHEREAS, Grantee requires an access easement to the subject communications tower site for periodic inspections or for dismantling the tower if the subject tower does not comply with Section 1.00.15 time period of St. Johns County Ordinance 97-05.

WHEREAS, said easement is described in Exhibit "B" attached.

NOW, THEREFORE, Grantor has granted and by these presents does grant unto Grantee an easement and access right of way as described in Exhibit "B" attached for the purposes of inspecting and/or dismantling communications tower.

It is distinctly understood and agreed that this does not constitute a conveyance of any part of the land but grants only the right of way and easement as provided above.

Grantor retains for itself and its successors and assigns the right to use and enjoy the above-described land except as the use thereof may be necessary for the purposes granted herein.

This right of way and easement shall not be assignable by Grantee in whole or in part without written consent of Grantor.

To have and to hold the herein-described easement and right of way until the use of said easement and right of way shall be abandoned. Grantee agrees to execute an

instrument in recordable form releasing said easement when it is no longer using the easement for the purposes set out herein.

IN WITNESS WHEREOF, St. Johns County, a political subdivision of the State of Florida has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said board this _____ day of _____, 1998.

GRANTOR: Maley Family Limited Partnership

Witness:

Name: _____
Date: _____

Robert Maley

Date

Witness:

Name: _____
Date: _____

GRANTEE: ST. JOHNS COUNTY, FLORIDA

Witness:

Name: _____
Date: _____

BY: _____
ITS: _____

Date

Witness:

Name: _____
Date: _____

STATE OF _____
COUNTY OF _____

BEFORE ME the undersigned authority personally appeared Robert Maley who acknowledged before me the execution of this instrument. He is personally known to me.

IN WITNESS WHEREOF I have set my hand and seal upon this _____ day of _____, 1998.

(Sign)

(Print)

NOTARY PUBLIC

State of _____

Commission No. _____

My Commission Expires: _____

STATE OF _____
COUNTY OF _____

BEFORE ME the undersigned authority personally appeared _____ as _____ of St. Johns County, Florida, who acknowledged before me the execution of this instrument by authority and on behalf of said County. He/She is personally known to me.

IN WITNESS WHEREOF I have set my hand and seal upon this _____ day of _____, 1998.

(Sign)

(Print)

NOTARY PUBLIC

State of _____

Commission No. _____

My Commission Expires: _____

Exhibit "A"

Legal Description of Property

Parent Tract:

A part of government lot 9, section 6, township 7 south, range 29 East, St. Johns County, Florida, being more particularly described as follows: commence at the Southeast corner of said section 6; Thence run South 41 degrees 34 minutes 30 seconds west a distance of 139.39 feet to a point on the centerline of State road 16 (A 66 foot right of way as now established); Thence run along said centerline North 73 degrees 56 minutes West 488.48 feet to a point of curvature; Thence run along a curve to the right (right 636.62 feet) to a point of tangency having a chord bearing of North 55 degrees 05 minutes west and a chord distance of 411.36 feet; Thence continue along said centerline North 36 degrees 14 minutes west a distance of 173.88 feet; Thence run North 53 degrees 46 minutes east a distance of 132.00 feet to a point on the future right of way line as shown on S.R.D. right of way plan for S.R. 9.F I.95, Section 78080-2405, dated April 23, 1964; Thence run along said future easterly right of way line along a curve to the left (R-1013.92 feet) to a point having a chord bearing of South 39 degrees 42 minutes east and a chord distance of 123.00 feet, said point being the point of beginning; Thence run North 53 degrees 44 minutes East 382.10 feet to the future westerly right of way line of Interstate 95 as shown on said S.R.D. Plan; Thence run along said westerly right of way line South 5 degrees 33 minutes East 349.72 feet to a point; thence run along said westerly right of way line South 53 degrees 44 minutes west 118.39 feet; Thence along said easterly right of way S.R. 16 along a chord distance of 312.46 feet to the point of beginning.

Proposed Lease Area

Commence at the Southeast corner of said Section 6; thence run South 41°34'30" West, a distance of 139.39 feet to a point on the centerline of State Road 16, (a 66 foot right of way as now established); thence run along said centerline North 73°56'00" West, 488.48 feet to a point of curvature; thence run along a curve to the right (radius 636.36 feet) to a point of tangency having a chord bearing of North 55°05' West and a chord distance of 411.36 feet; thence continue along said centerline, North 36°14'00" West, a distance of 173.88 feet; thence run North 53°46'00" East, a distance of 132.00 feet to a point on the existing right of way line as shown on S.R.D. right of way plan for S.R. 9, FI95, Section 78080.2405, dated April 23, 1964; thence run along said future Easterly right of way line along a curve to the left (radius 1,013.92 feet) to a point having a chord bearing of South 39°42'00" East and a chord distance of 123.00 feet; thence run North 53°44'00" East, 382.10 feet to the existing Westerly right of way line of Interstate Highway 95 as shown on said S.R.D. plan; thence run along said Westerly right of way line South 05°33'00" East, 39.00 feet to the Point of Beginning; thence continue along last said line South 05°33'00" East, 50.00 feet; thence run South 50°46'19" West, 50.00 feet; thence run North 05°33'00" West, parallel with said Westerly right of way line, 50.00 feet; thence run North 50°46'19" East, 50.00 to the Point of Beginning.

Containing 2,080 square feet more or less.

Exhibit "B" to Easement

Proposed 10' Right-of-Way Easement

Commence at the Southeast corner of said section 6 and run Southeast corner of said Section 6 and run South $41^{\circ}34'30''$ West, a distance of 139.39 feet to a point on the centerline of State road Number 16 (A variable width right-of-way at this point); Thence run along said centerline North $73^{\circ}56'00''$ West a distance of 488.48 feet to a point of curvature; Thence continue along said centerline and the arc of a curve, concave Northeasterly and having a radius of 636.62 feet, through a central angle of $37^{\circ}42'00''$ an arc distance of 418.88 feet to a point of tangency; said curve being subtended by a chord bearing a distance of North $55^{\circ}05'00''$ West 411.36 feet; Thence continue along said centerline North $36^{\circ}14'00''$ West a distance of 173.88 feet to a point on said centerline; thence departing said centerline run North $53^{\circ}46'00''$ East. A distance of 132.00 feet to a point on the Northeasterly right-of-way line of said State Road Number 16; Thence run Southeasterly along said right-of-way line and the arc of a curve, concave Northeasterly and having a radius of 1013.92 feet, through a central angle of $06^{\circ}57'17''$ an arc distance of 123.07 feet to a point on said curve and the point of beginning. Said curve being subtended by a chord bearing and distance of South $39^{\circ}42'00''$ East, 123.00 feet; Thence continue Southeasterly along said right-of-way line and the arc of a curve, concave Northeasterly and having a radius of 1013.92 feet, through a central angle of $00^{\circ}34'12''$, an arc distance of 10.09 feet to a point on said curve, said curve being subtended by a chord bearing and distance of South $43^{\circ}29'43''$ East 10.09 feet; Thence departing said Northeasterly right-of-way line, run North $53^{\circ}43'14''$ East. A distance of 317.04 feet; Thence run South $36^{\circ}16'46''$ East A distance of 25.77 feet; thence run North $50^{\circ}46'19''$ East a distance of 10.00 feet; thence run North $36^{\circ}16'46''$ West a distance of 35.25 feet; Thence run South $53^{\circ}43'14''$ West a distance of 328.41 feet to the point of beginning.

