

**RESOLUTION NO. 99-29**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF INTERNATIONAL GOLF DRIVE.**

**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 become 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 in the Public Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 23rd day of February, 1999.

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

BY: Marc A. Jacalone  
Marc A. Jacalone, Chairman

**ATTEST:** Cheryl Strickland, Clerk

By: Patricia De Grande  
Deputy Clerk

Market: North Florida  
Site No: 7034-C  
Site Name: Nine Mile

When recorded return to:

Nextel South Corp  
Paula Hickman, Esq  
6700 N. Andrews Ave,  
Suite 700  
Ft. Lauderdale, Florida 33309

**EASEMENT FOR TOWER REMOVAL**

This Easement for Tower Removal is made as of January 7, 1998, by **Richard A. and Barbara Pacetti**, husband and wife whose address is 5560 Highway 16, St Augustine, Florida 32092 (the "Grantor") in favor of **ST. JOHNS COUNTY, FLORIDA** (the "Grantee")

**Recitals:**

- A. Grantor has leased a portion of Grantors' property to Nextel South Corp. ("Nextel") for the erection by Nextel of a telecommunications tower (the "Tower").
- B. As a condition of Grantee's approval to allow the construction of the Tower, Nextel 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 situated 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 test, 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 Grantee or otherwise, this easement shall be deemed terminated. A recorded affidavit executed by the current property owner, Nextel 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:

*Charles E. Pellicer*  
CHARLES E. PELLICER  
(Printed Name)

*Elizabeth A. Pacetti*  
(Printed Name) Elizabeth A. Pacetti

Richard A. Pacetti

By: *Richard A. Pacetti*  
Print Name: Richard A. Pacetti  
Title: Owner

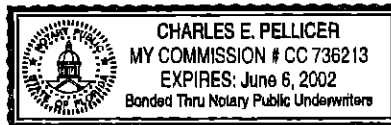
STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, <sup>1999</sup>~~1998~~, by Richard A. Pacetti, as Owner, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

Print Name: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

*Charles E. Pellicer*



Signed, sealed and delivered  
In the presence of:

*Charles E. Pellicer*  
CHARLES E. PELLICER  
(Printed Name)

*Elizabeth A. Pacetti*  
(Printed Name) Elizabeth A. Pacetti

Barbara Pacetti

By: *Barbara Pacetti*  
Print Name: Barbara Pacetti  
Title: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, <sup>1999</sup>~~1998~~, by Barbara Pacetti, as Owner, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

Print Name: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

*Charles E. Pellicer*

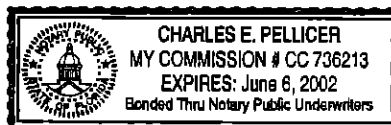


Exhibit "A"  
LEGAL DESCRIPTION  
(AS PROVIDED BY CLIENT)

PARENT TRACT

A PORTION OF SUBSECTIONS 6 AND 7 OF SECTION 38 (ANTONIO HUERTAS GRANT) TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTIONS  
(AS PREPARED BY SURVEYOR)

NEXTEL FL-7034 C

INGRESS EGRESS EASEMENT

A PORTION OF SUBSECTIONS 6 AND 7 OF SECTION 38 (ANTONIO HUERTAS GRANT) TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SUBSECTION 7, OF SAID SECTION 38; THENCE NORTH 20°27'06" EAST, A DISTANCE OF 814.34 FEET; THENCE SOUTH 53°51'03" EAST, A DISTANCE OF 677.24 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF DRIVE (NINE MILE ROAD); THENCE NORTH 50°38'12" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2033.63 FEET TO THE POINT OF BEGINNING; THENCE NORTH 48°17'34" WEST, A DISTANCE OF 338.11 FEET; THENCE NORTH 53°09'00" WEST, A DISTANCE OF 1728.16 FEET; THENCE NORTH 60°17'36" WEST, A DISTANCE OF 402.09 FEET; THENCE NORTH 53°09'00" WEST, A DISTANCE OF 151.29 FEET; THENCE NORTH 17°34'34" EAST, A DISTANCE OF 151.29 FEET; THENCE NORTH 49°16'49" EAST, A DISTANCE OF 87.14 FEET; THENCE NORTH 17°35'53" EAST, A DISTANCE OF 1779.37 FEET TO THE SOUTHERLY LINE OF THE NEXTEL LEASE PARCEL; THENCE SOUTH 72°42'00" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 30.00 FEET TO THE WESTERLY LINE OF A 75.00 FOOT FLORIDA POWER AND LIGHT CORPORATION EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 988, PAGE 0916 THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE, THE FOLLOWING BEARINGS AND DISTANCES ALONG SAID FLORIDA POWER AND LIGHT EASEMENT: SOUTH 17°35'53" WEST, A DISTANCE OF 1888.13 FEET; THENCE NORTH 72°25'28" WEST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 17°34'34" WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 53°09'00" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 38°51'00" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 53°09'00" EAST, A DISTANCE OF 2158.40 FEET; THENCE SOUTH 48°17'34" EAST, A DISTANCE OF 344.08 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF DRIVE (NINE MILE ROAD); THENCE, DEPARTING SAID FLORIDA POWER AND LIGHT CORPORATION EASEMENT LINE, SOUTH 50°38'12" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.454 ACRES OR 150450 SQUARE FEET MORE OR LESS.

NEXTEL FL-7034 C

LEASE PARCEL

A PORTION OF SUBSECTION 6 OF SECTION 38 (ANTONIO HUERTAS GRANT) TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SUBSECTION 7, OF SAID SECTION 38; THENCE NORTH 20°27'06" EAST, A DISTANCE OF 814.34 FEET; THENCE SOUTH 53°51'03" EAST, A DISTANCE OF 677.24 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF DRIVE (NINE MILE ROAD); THENCE NORTH 50°38'12" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2033.63 FEET; THENCE NORTH 48°17'34" WEST, A DISTANCE OF 338.11 FEET; THENCE NORTH 53°09'00" WEST, A DISTANCE OF 1728.16 FEET; THENCE NORTH 60°17'36" WEST, A DISTANCE OF 402.09 FEET; THENCE NORTH 53°09'00" WEST, A DISTANCE OF 151.29 FEET; THENCE NORTH 17°34'34" EAST, A DISTANCE OF 151.29 FEET; THENCE NORTH 49°16'49" EAST, A DISTANCE OF 87.14 FEET; THENCE NORTH 17°35'53" EAST, A DISTANCE OF 1779.37 FEET TO THE POINT OF BEGINNING; THENCE NORTH 72°42'00" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH 17°35'53" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 72°42'00" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 17°35'53" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 72°42'00" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.230 ACRES OR 10000 SQUARE FEET MORE OR LESS.

