

RESOLUTION NO. 2000-21

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED ON CR 210 EAST ALSO KNOWN AS PALM VALLEY ROAD.

WHEREAS, it is required by the St. Johns County Land Development Code, Section 6.08.12, N.S.2, Communications Antenna Towers, the County be conveyed an access easement to communications tower sites for periodic inspections or for dismantling the tower if the tower does not comply with the Land Development code or becomes abandoned; and

WHEREAS, acceptance of this easement does not constitute any maintenance or construction responsibility and this easement 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 purposes.
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 22nd day of February, 2000.

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

BY: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk
By: Detricia DeGrande
Deputy Clerk

EXHIBIT A TO RESOLUTION

TEMPORARY ACCESS EASEMENT

This Temporary Access Easement, made this _____ day of _____, 2000, by Joseph H. and Norma Bishop, as husband and wife, having an address of 2580 Palm Valley Road, Ponte Vedra, FL ("Grantor"), to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, P. O. Drawer 349, St. Augustine, Florida 32085-0349 ("Grantee").

WITNESSETH:

WHEREAS, Grantor, as Optionor, has entered into that Option and Ground Lease Agreement dated April 30, 1999 (the "Lease") with TC Florida Towers II, L.L.C., a limited liability company ("Optionee") regarding a parcel of land located at 2755 Palm Valley Road Ponte Vedra, County of St. Johns, State of Florida, more particularly described on **Exhibit A** attached hereto (the "Leased Premises");

WHEREAS, the Lease contemplates the construction by Optionee of a telecommunications tower (the "Tower") on the Leased Premises;

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications towers after abandonment;

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires the fee owner of the land underlying telecommunications tower to grant an easement to St. Johns County for access to the tower site for removal of an abandoned tower not complying with the Section 6.08.12 (N) time periods for removal of an abandoned tower;

NOW, THEREFORE, Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, an easement over the lands of Grantor more particularly described on **Exhibit B** hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Tower if the Tower is in violation of Section 6.08.12 (N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Leased Premises and to remove the Tower therefrom in accordance with and subject to the requirements of Section 6.08.12 (N) of the Zoning Ordinance.

The Grantor warrants to Grantee that it has good and indefeasible fee simple title to the above described land and the authority to enter into this Easement.

This Easement shall terminate automatically upon removal of the Tower from the Leased Premises, whether removed by the Lessee, Grantor or Grantee. At the request of Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of Grantor's request, Grantor may record an affidavit certifying that the Tower has been removed and that this Easement has terminated.

Grantor reserves the right at its expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantor's property, provided that the relocated easement shall provide to Grantee substantially the same ingress and egress rights herein granted. Any such relocated easement shall be evidenced by an amendment to the Easement executed by Grantor and Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

Scott Hartley
Name: Scott Hartley

Lorinda J. Hartley
Name: Lorinda J. Hartley

By: Joseph H. Bishop
Print Name: Joseph H. Bishop,
as husband

Scott Hartley
Name: Scott Hartley

Lorinda J. Hartley
Name: Lorinda J. Hartley

By: Norma Bishop
Print Name: Norma Bishop,
as wife

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 4th day of February 2000, by Joseph H. Bishop, as husband, who is either () personally known to me or () has produced _____ identification..

Kathy Lynn Heaton
Notary Public, State of Florida
Print Name: Kathy Lynn Heaton
My Commission Expires: _____



STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 4 day of February 2000, by Norma Bishop, as Wife, who is either () personally known to me or () has produced _____ identification..

Kathy Lynn Heaton
Notary Public, State of Florida
Print Name: Kathy Lynn Heaton
My Commission Expires: _____



GRANTEE:

ST. JOHNS COUNTY, FLORIDA,
a political subdivision of the State of Florida

Name: _____

Name: _____

By: _____

Print Name: _____

Title: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2000 by _____, the _____ of St. Johns County, Florida, a political subdivision of the State of Florida, on behalf of the County. He/she is personally known to me or produced _____ as identification.

Notary Public, State of Florida
Print Name: _____
My Commission Expires: _____

Exhibit "A"

Leased Premises

A parcel of land lying in the Bea Chaires Grant in Section 51, Township 4 South, Range 29 East and lying in the Pedro Miranda Grant in Section 55, Township 4 South, Range 29 East St. Johns County, Florida, being more particularly described as follows:

Commence at the southwest corner of that certain parcel of land described in Deed Book 198, Page 347 of the public records of St. Johns County; thence N77° 41' 00"E along the southerly line of said parcel for 309.04 feet; thence N12° 08' 00"W for 39.84 feet to the Point of Beginning of the herein described parcel of land; thence continue N12° 08' 00"W for 100.00 feet; thence S77° 52' 00"W for 100.00 feet; thence S12° 08' 00"E for 100.00 feet; thence N77° 52' 00"E for 100.00 feet to the Point of Beginning. Said parcel of land situate, lying, and being in St. Johns County, Florida, containing 10,000 square feet more or less.

Exhibit "B"

Easement Area

A 30.00 foot wide easement for the purpose of ingress/egress and utilities lying 15.00 feet on both sides of the following described centerline: Commence at the southwest corner of that certain parcel of land described in Deed Book 198, Page 347 of the public records of St. Johns County; thence N77° 41' 00"E along the southerly line of said parcel for 309.04 feet; thence N12° 08' 00"W for 139.84 feet, thence S77° 52' 00"W for 100.00 feet; thence S12° 08' 00"E for 15.00 feet to the Point of Beginning of the herein described centerline; thence S71° 46' 01"W for 172.38 feet; thence N28° 09' 41"W for 78.84 feet; thence N12° 10' 26"W for 248.02 feet; thence N15° 34' 45"E for 95.46 feet; thence N03° 42' 52"W for 49.81 feet; thence N31° 22' 07"W for 157.49 feet; thence N12° 10' 26"W for 80.08 feet to an intersection with the southeasterly right-of-way line of County Road 210 (Formerly State Road 210) and the point of terminus. The sidelines of said easement to be shortened or prolonged to meet at angle points, property lines, and right-of-way lines.

C H A I R E S G R A N T

7.1 AC.
TAL)

470'

1548'

0

1

2

(PALM VALLEY ROAD)

1290'

395'

-069505-

25

7 AC.

757'

-067650-

24

(27-04-29)

555'

1534'

3326'

1184'

