

RESOLUTION NO. 2001- 121

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AMENDED EASEMENT FOR TOWER REMOVAL AND TERMINATION OF ORIGINAL EASEMENT FOR TOWER REMOVAL TO A COMMUNICATIONS TOWER SITE LOCATED OFF DEER PARK BOULEVARD.

WHEREAS, on December 8, 1998 the Board of County Commissioners passed Resolution No. 98-212 accepting an access easement to a communications tower site located off Deer Park Boulevard in the St. Augustine Park PUD as required by St. Johns County Ordinance No. 97-05; and

WHEREAS, due to the small adjustment to the Master Development Plan of the St. Augustine Park PUD, file No. SM-ADJ 2001-09, the access easement had to be relocated; and

WHEREAS, St. Augustine Industrial Park, Inc., has executed and presented to the County an Amended Easement for Tower Removal and Termination of Original Easement for Tower Removal, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for that purpose.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

1. The above described Amended Easement for Tower Removal and Termination of Original Easement for Tower Removal is hereby accepted and approved for execution by the Chair of the Board of County Commissioners.
2. The Clerk is instructed to record the original Amended Easement for Tower Removal and Termination of Original Easement for Tower Removal in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 12th day of June, 2001.

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

By: Marc J. Malone
Chair

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Strickland
Deputy Clerk

PREPARED BY AND AFTER
RECORDING RETURN TO:

Weil, Gotshal & Manges LLP
701 Brickell Avenue
Suite 2100
Miami, FL 33131
Attention: Christy L. Brady, Esq.

**AMENDED EASEMENT FOR TOWER REMOVAL AND TERMINATION OF
ORIGINAL EASEMENT FOR TOWER REMOVAL**

This **AMENDED EASEMENT FOR TOWER REMOVAL AND TERMINATION OF ORIGINAL EASEMENT FOR TOWER REMOVAL**, is made as of this 24th day of May, 2001 (the "Access Easement"), by **ST AUGUSTINE INDUSTRIAL PARK, INC.**, a Florida Corporation, having an address of 2215 S. 3rd St., Suite 201, Jacksonville Beach, FL 32250 ("Grantor"), to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, having an address c/o P.O. Drawer 349, St. Augustine Florida 32085-0349 ("Grantee").

WITNESSETH:

WHEREAS, Grantor and **CINGULAR WIRELESS, LLC**, a Georgia limited liability company ("Tenant"), successor-by-corporate election to BellSouth Mobility, Inc., entered into that certain Option and Lease Agreement dated as of November 3, 1997 (as amended, the "Lease"), wherein Tenant leases a parcel of land located at St. Augustine, County of St. Johns, State of Florida, as more particularly described therein (the "Leased Premises");

WHEREAS, Tenant has constructed a wireless telecommunications facility, including a telecommunications tower ("Tower") on the Leased Premises as defined in the St. Johns County Land Development Code (the "Zoning Ordinance");

WHEREAS, Grantor granted an Easement For Tower Removal to Grantee on April 28, 1998 (the "Original Easement"), which Original Easement was recorded in Official Records Book 1370, Page 1806 of the Official Records Books of St. Johns County, Florida and is legally described on **Exhibit A** attached hereto;

WHEREAS, it Grantor and Grantee desire to terminate the Original Easement;
and

WHEREAS, Grantor and Grantee desire to enter into this Access Easement pursuant to § 6.08.12 (s) of the Zoning Ordinance, which requires Grantor to file the

owner of the land underlying the Tower to grant an Access Easement to Grantee in order to access the Leased Premises in the event that the Tower is abandoned by Tenant, as set forth in § 6.08.12 of the Zoning Ordinance.

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

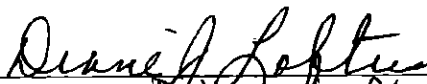
1. The Grantor warrants to Grantee that it has good and indefeasible fee simple title to the above described land and the authority to enter into this Access Easement.
2. This Access Easement shall terminate automatically upon removal of the Tower from the Leased Premises, whether removed by Tenant, Grantor or Grantee, and at the request of Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such termination document within thirty (30) days of Grantor's request thereof, Grantor may record an affidavit certifying that the Tower has been removed and that this Access Easement has terminated.
3. Grantor reserves the right at its expense to relocate the New Easement Area at any time and from time to time, provided that such relocated easement shall provide to Grantor substantially the same ingress and egress rights granted hereunder. Any such relocated easement shall be evidenced by an amendment to this Access 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:

**ST AUGUSTINE INDUSTRIAL
PARK, INC.,** a Florida Corporation


Print Name: Daniel Lott

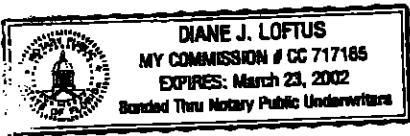

Print Name: Russell D. Wilson

By: 
Print Name: Fred L. Ahern
Title: President

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 24 day of May 2001, by Fred L. Ahern, as President of St. Augustine Industrial Park, Inc., a Florida Corporation. He is personally known to me or has produced _____ as identification.



Diane J. Loftus
Notary Public, State of Florida
Print Name: Diane J. Loftus
My Commission Expires: _____

GRANTEE:

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

Print Name: _____

Print Name: _____

By: _____

Print Name: _____

Title: _____

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____ 2001, by _____, the _____ of St. Johns County, Florida, a political subdivision of the State of Florida, on behalf of said subdivision. He/she is personally known to me or produced _____ as identification.

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

EXHIBIT "A"

[LEGAL DESCRIPTION OF ORIGINAL EASEMENT AREA]

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

EXHIBIT "B"

[LEGAL DESCRIPTION OF REVISED EASEMENT AREA]

**DESCRIPTION OF PROPOSED
ACCESS EASEMENT**

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:

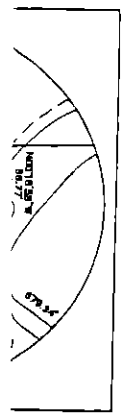
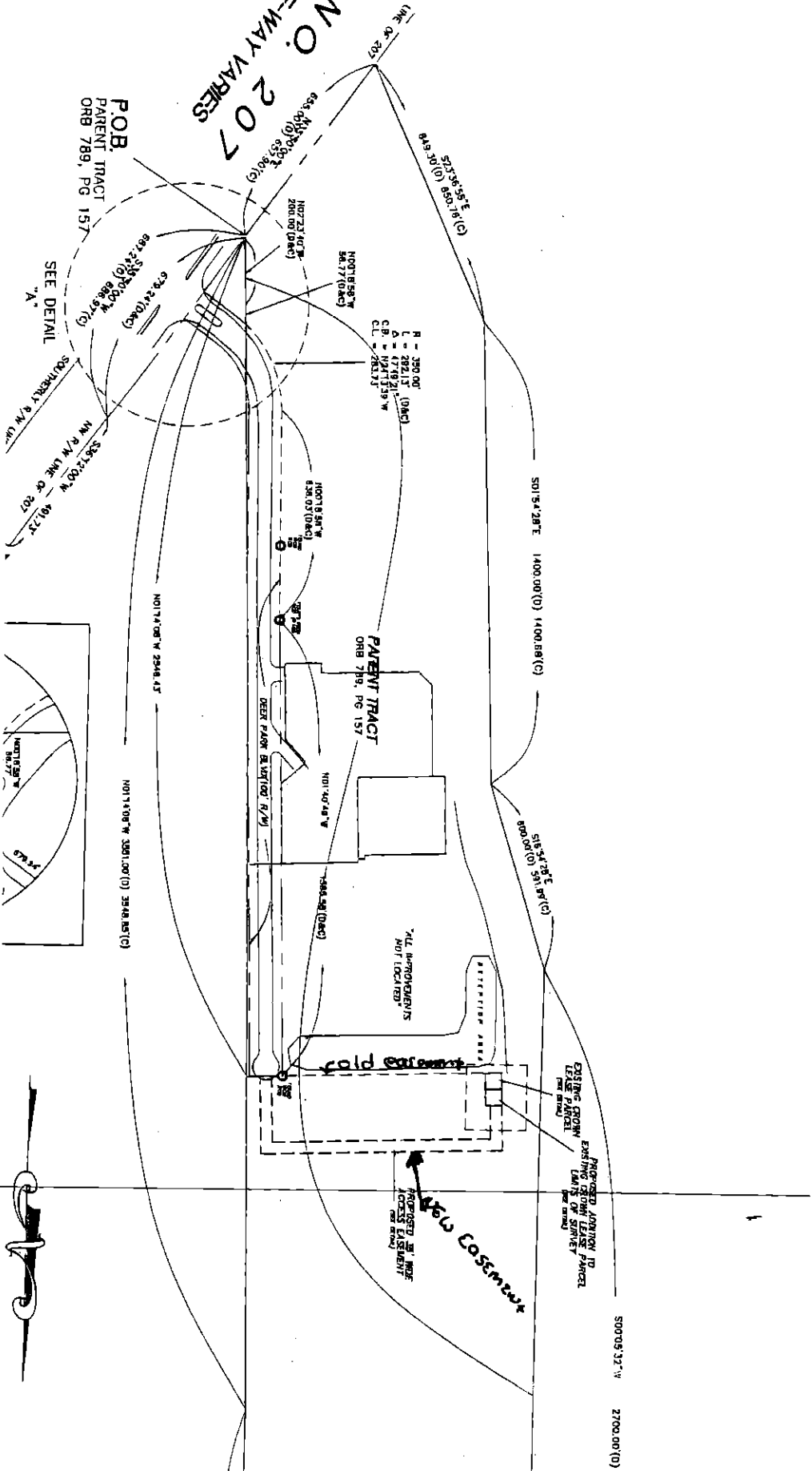
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9, PROCEED NORTH 01°23'54" WEST ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 195.01 FEET; THENCE SOUTH 88°16'50" WEST, A DISTANCE OF 1759.70 FEET; THENCE NORTH 01°14'43" WEST, A DISTANCE OF 2357.61 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY 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 686.97 FEET FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 789, PAGE 157 OF THE OFFICIAL RECORDS OF SAID ST. JOHNS COUNTY; THENCE NORTH 01°14'06" WEST ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 2548.43 FEET; THENCE SOUTH 88°19'11" WEST, A DISTANCE OF 42.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°19'11" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 01°40'49" WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 88°19'11" WEST, A DISTANCE OF 658.82 FEET; THENCE SOUTH 01°40'49" EAST, A DISTANCE OF 100.02 FEET; THENCE SOUTH 88°19'11" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 01°40'49" WEST, A DISTANCE OF 135.02 FEET; THENCE NORTH 88°19'11" EAST, A DISTANCE OF 728.82 FEET; THENCE SOUTH 01°40'49" EAST, A DISTANCE OF 235.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 36,009.1 SQUARE FEET OR 0.83 ACRES MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

S. R. NO. 207

RIGHT-OF-WAY VARIES



S00°05'33"W 2700.00'(D)