

**RESOLUTION NO. 2001- 165**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF STATE ROAD NO. 16.**

**WHEREAS**, the St. Johns County Land Development Land Code, Section 6.08.12, requires the dismantling and removal of telecommunications towers after abandonment; and

**WHEREAS**, Section 6.08.12(S) of the Zoning Ordinance requires the fee owner of the land underlying the telecommunications tower to grant an easement to St. Johns County for access to the tower site for removal of an abandoned tower; and

**WHEREAS**, the Temporary Access 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:

Section 1. The acceptance of the Temporary Access Easement attached hereto, as Exhibit "A" is hereby approved.

Section 2. The Chairman of the Board is hereby authorized to execute the Temporary Access Easement.

Section 3. The Clerk is instructed to record the original Temporary Access Easement in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED**, this 7<sup>th</sup> day of August, 2001.

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

By: Marc Jacalone  
Marc A. Jacalone, Chairman

**ATTEST: Cheryl Strickland, Clerk**

Cheryl Strickland  
Deputy Clerk

Exhibit "A" to Resolution

Site I.D.: J-183  
Site Name: Six Mile

Return to and Instrument prepared by:  
ALAN L. GABRIEL, ESQ.  
International Bldg., Penthouse East  
2455 East Sunrise Boulevard  
Fort Lauderdale, Florida 33304

## TEMPORARY ACCESS EASEMENT

This Temporary Access Easement is made this \_\_\_ day of \_\_\_\_\_, 2001, by **LYNDA I. KIRKER, STEVEN E. KIRKER AND KEITH W. KIRKER**, with an address of 6995B State Road 16, St. Augustine, Florida 32092, their successors and/or assigns, hereinafter referred to as "Grantor", to St. Johns County, a political subdivision of the State of Florida, P.O. Drawer 349, St. Augustine, Florida 32085-0349, hereinafter referred to as "Grantee", their licensees, agents, successors and assigns, a non-exclusive right of way access easement for the purpose of ingress and egress by Grantee, Grantee's agents or assigns, at any and all time, to and from Powertel/Jacksonville, Inc.'s Leased Premises which are more particularly described herein in Exhibit "A" attached hereto and made a part hereof.

### WITNESSETH:

WHEREAS, Grantor, as Lessor, has entered into a Ground Lease, referred to hereinafter as "Lease", dated March 24, 2000, with Powertel/Jacksonville, Inc., 1233 O.G. Skinner Drive, West Point, Georgia 31833, as "Lessee", for a portion of the Lessor's land, referred to as the "Premises"; and

WHEREAS, the Lease contemplates the construction of a telecommunications facility on the Leased Premises; and

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

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires a thirty foot (30') easement for access to the Leased Premises for removal of an abandoned communications facility not complying with Section 6.08.12 (N) (time periods for removal of an abandoned telecommunications facility); and

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, a non-exclusive easement over the lands of Grantor more particularly described on Exhibit "B" attached hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Lessee's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12 (N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its

Site I.D.: J-183  
Site Name: Six Mile

successors and assigns, to enter on to the Leased Premises and to remove the telecommunications facilities 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 Easement Area and the authority to enter into this Easement.

This Easement shall terminate automatically upon removal of the Lessee's telecommunications facilities from the Leased Premises, whether removed by the Lessee, Grantor or Grantee. At the request of the 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 telecommunications facilities have 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 herein.

IN WITNESS WHEREOF, the undersigned have signed and sealed this instrument this \_\_\_ day of \_\_\_\_\_, 2001.

**GRANTORS**

**LYNDIA I. KIRKER**

Richard Shirah Jr  
Witness  
Print Name: Richard Shirah Jr.

By: Lynda I Kirker  
LYNDA I. KIRKER

Val Kazia  
Witness  
Print Name: VAL KAZIA

Executed this 25<sup>th</sup> day of JUNE, 2001.

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of JUNE, 2001, by LYNDA I. KIRKER, who is personally known to me or who has produced \_\_\_\_\_, as identification.

Richard Shirah  
NOTARY PUBLIC  
Print Name: RICHARD SHIRAH

My Commission Expires: SEP. 20, 2003

STEVEN E. KIRKER

Richard Shirah Jr  
Witness  
Print Name: Richard Shirah Jr.

By: Steven E. Kirker  
STEVEN E. KIRKER

Val Karia  
Witness  
Print Name: VAL KARIA

Executed this 25<sup>TH</sup> day of JUNE, 2001.

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 25<sup>TH</sup> day of JUNE, 2001, by STEVEN E. KIRKER, who is personally known to me or who has produced \_\_\_\_\_, as identification.

Richard Shirah  
NOTARY PUBLIC  
Print Name: RICHARD SHIRAH

My Commission Expires: SEP. 20, 2003

KEITH W. KIRKER

Richard Shirah Jr  
Witness  
Print Name: Richard Shirah Jr.

By: Keith W. Kirker  
KEITH W. KIRKER

Val Karia  
Witness  
Print Name: VAL KARIA

Executed this 25<sup>TH</sup> day of JUNE, 2001.

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 25<sup>TH</sup> day of JUNE, 2001, by KEITH W. KIRKER, who is personally known to me or who has produced \_\_\_\_\_, as identification.

Richard Shirah  
NOTARY PUBLIC  
Print Name: RICHARD SHIRAH

My Commission Expires: SEP. 20, 2003

Site I.D.: J-183  
Site Name: Six Mile

**GRANTEE**

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

\_\_\_\_\_  
Witness  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Witness  
Print Name: \_\_\_\_\_

Executed this \_\_ day of \_\_\_\_\_,  
2001.

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2001,  
by \_\_\_\_\_, as \_\_\_\_\_ of ST. JOHNS  
COUNTY, FLORIDA, a subdivision of the State of Florida, on behalf of the County, who is  
personally known to me or who has produced \_\_\_\_\_,  
as identification.

My Commission Expires:

\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_

## Exhibit "A"

### LEASE PARCEL

A PART OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1372, PAGE 979, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID CORNER ALSO BEING SITUATE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 16 (also known as BOOTH ROAD, A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 63 DEGREES 25 MINUTES 15 SECONDS WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 1586.15 FEET TO A POINT SITUATE ON SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE SOUTH 08 DEGREES 56 MINUTES 18 SECONDS EAST, DEPARTING FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD No. 16 (also known as BOOTH ROAD), 77.45 FEET; THENCE SOUTH 28 DEGREES 08 MINUTES 06 SECONDS WEST, 44.31 FEET; THENCE SOUTH 01 DEGREES 49 MINUTES 32 SECONDS EAST, 231.79 FEET; THENCE SOUTH 10 DEGREES 32 MINUTES 40 SECONDS EAST, 234.55 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 54 SECONDS EAST, 255.11 FEET; THENCE NORTH 00 DEGREES 27 MINUTES 06 SECONDS WEST, 25.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 32 MINUTES 54 SECONDS EAST, 70.00 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 54 SECONDS WEST, 70.00 FEET; THENCE NORTH 00 DEGREES 27 MINUTES 06 SECONDS WEST, 70.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4900.0 SQUARE FEET MORE OR LESS.

## Exhibit "B"

### ACCESS & UTILITY EASEMENT

A PART OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1372, PAGE 979, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID CORNER ALSO BEING SITUATE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 16 (also known as BOOTH ROAD, A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 63 DEGREES 25 MINUTES 15 SECONDS WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 1580.90 FEET TO A POINT SITUATE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 08 DEGREES 56 MINUTES 18 SECONDS EAST, 80.71 FEET; THENCE SOUTH 28 DEGREES 08 MINUTES 06 SECONDS WEST, 44.85 FEET; THENCE SOUTH 01 DEGREES 49 MINUTES 32 SECONDS EAST, 230.07 FEET; THENCE SOUTH 10 DEGREES 32 MINUTES 40 SECONDS EAST, 245.22 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 54 SECONDS EAST, 248.25 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 06 SECONDS EAST, 35.00 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 54 SECONDS WEST, 399.92 FEET TO A CONCRETE MONUMENT, SAID MONUMENT BEING THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24; THENCE NORTH 00 DEGREES 54 MINUTES 30 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24, 254.32 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 30 SECONDS EAST, 20.00 FEET; THENCE SOUTH 00 DEGREES 54 MINUTES 30 SECONDS EAST, PARALLEL WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24, 234.48 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 54 SECONDS EAST, 104.03 FEET; THENCE NORTH 10 DEGREES 32 MINUTES 40 SECONDS WEST, 257.40 FEET; THENCE NORTH 01 DEGREES 49 MINUTES 32 SECONDS WEST, 240.38 FEET; THENCE NORTH 28 DEGREES 08 MINUTES 06 SECONDS EAST, 42.61 FEET; THENCE NORTH 08 DEGREES 56 MINUTES 18 SECONDS WEST, 61.12 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 16 (also known as BOOTH ROAD, A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 63 DEGREES 25 MINUTES 15 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 31.48 FEET TO THE POINT OF BEGINNING.



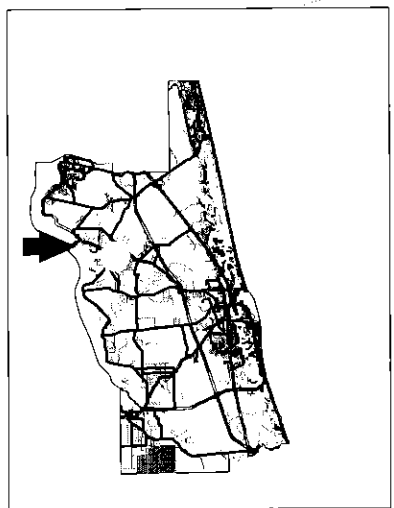
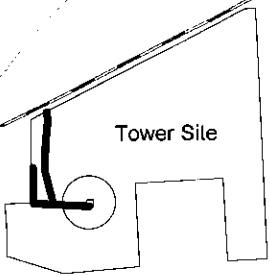


County Road 16A

State Road 13

State Road 16

Tower Site



Area of Interest

# Tower Site Section 24, Township 6, Range 27

DISCLAIMER: Data provided herein are from multiple sources with varying degrees of accuracy. This map therefore should be used for estimate purposes only. The St. Johns Real Estate Division disclaims all responsibility for the accuracy or completeness of the data shown.

PREPARED BY:  
**ST. JOHNS COUNTY**  
REAL ESTATE DIVISION