

RESOLUTION NO. 2001- 206

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

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 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 said 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 16th day of November, 2001.

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

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

Rendition Date: 11-09-01

ATTEST: Cheryl Strickland, Clerk

Patricia A. Grande
Deputy Clerk

Site I.D.: J-258

Site Name: St. Augustine Airport

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 Matthew L. Ortagus, 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 August 7, 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 an 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 successors and assigns, to enter on to the Leased Premises and to remove the

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

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 30 day of JULY, 2001.

GRANTORS

Matthew L. Ortagus

[Signature]
Witness
Print Name: VAL KAZIO

By: [Signature]
Matthew L. Ortagus

[Signature]
Witness
Print Name: Jenny Palmer

Executed this 30 day of July, 2001.

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 30 day of July, 2001, by Matthew L. Ortagus, who is personally known to me or who has produced _____, as identification.

My Commission Expires: [Signature]
NOTARY PUBLIC
Print Name: Kelly M Williamson



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 THE FATIO GRANT, SECTION 55, TOWNSHIP 8 SOUTH, RANGE 29 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED AND RECORDED AS PARCEL VII IN OFFICIAL RECORDS BOOK 1116, PAGES 39-42 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHWEST CORNER OF GOVERNMENT LOT 3, SECTION 36, TOWNSHIP 6 SOUTH, RANGE 29 EAST; THENCE SOUTH 81 DEGREES 23 MINUTES 54 SECONDS WEST, 80.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 08 DEGREES 36 MINUTES 06 SECONDS WEST, 75.00 FEET; THENCE SOUTH 81 DEGREES 23 MINUTES 54 SECONDS WEST, 75.00 FEET; THENCE SOUTH 08 DEGREES 36 MINUTES 06 SECONDS EAST, 75.00 FEET TO THE SOUTHERLY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1116, PAGES 39-42; THENCE NORTH 81 DEGREES 23 MINUTES 54 SECONDS EAST, 75.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5625.00 SQUARE FEET, MORE OR LESS.

Exhibit "B"

35 FOOT ACCESS EASEMENT

A PART OF THE FATTO GRANT, SECTION 55, TOWNSHIP 6 SOUTH, RANGE 29 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED AND RECORDED AS PARCEL VIII IN OFFICIAL RECORDS BOOK 1116, PAGES 39-42 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHWEST CORNER OF GOVERNMENT LOT 3, SECTION 36, TOWNSHIP 6 SOUTH, RANGE 29 EAST; THENCE SOUTH 81 DEGREES 23 MINUTES 54 SECONDS WEST, 60.00 FEET; THENCE NORTH 08 DEGREES 36 MINUTES 06 SECONDS WEST, 75.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 06 DEGREES 54 MINUTES 19 SECONDS WEST, 179.84 FEET; THENCE NORTH 08 DEGREES 22 MINUTES 18 SECONDS WEST, 148.68 FEET; THENCE NORTH 46 DEGREES 08 MINUTES 08 SECONDS WEST, 51.42 FEET; THENCE NORTH 12 DEGREES 43 MINUTES 15 SECONDS WEST, 32.53 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD No. 16-A (A 80 FOOT RIGHT OF WAY); THENCE SOUTH 81 DEGREES 04 MINUTES 18 SECONDS WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 35.09 FEET; THENCE SOUTH 12 DEGREES 43 MINUTES 15 SECONDS EAST, 45.59 FEET; THENCE SOUTH 46 DEGREES 08 MINUTES 08 SECONDS EAST, 49.96 FEET; SOUTH 08 DEGREES 22 MINUTES 18 SECONDS EAST, 136.26 FEET; THENCE SOUTH 06 DEGREES 54 MINUTES 19 SECONDS EAST, 180.43 FEET; THENCE NORTH 81 DEGREES 23 MINUTES 54 SECONDS WEST, 35.02 FEET TO THE POINT OF BEGINNING.

COUNTY ROAD 16-A
(80' RIGHT OF WAY)

FOUND 3"x6" CONCRETE
ABUTMENT, NO IDENTIFICATION

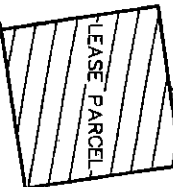
SOUTHERLY RIGHT OF WAY LINE

N 81°27'59" E
441.50' (CALCULATED)
441.5' (DEED)

PARENT TRACT
OFFICIAL RECORDS BOOK 1116
PAGES 39-42, PARCEL VIII

N 09°11'29" W
477.11' (CALCULATED)
474' (DEED)

S 81°23'54" W
441.50' (MEASURED)
441.5' (DEED)



S 09°11'29" E
476.59' (MEASURED)
474' (DEED)

UTILITY EASEMENT

SECTION 35
TOWNSHIP 8 S
RANGE 28 E

WEST LINE OF
ST. JOHNS STORAGE
EAST LINE OF
FATHO GRANT

FOUND 5"x8" CONCRETE
ABUTMENT, NO IDENTIFICATION



POINT OF BEGINNING
PAVED
FOUND 1" IRON PIPE
NORTHWEST CORNER OF
GOVERNMENT LOT 3, SECTION 35,
TOWNSHIP 8 SOUTH, RANGE 28 EAST

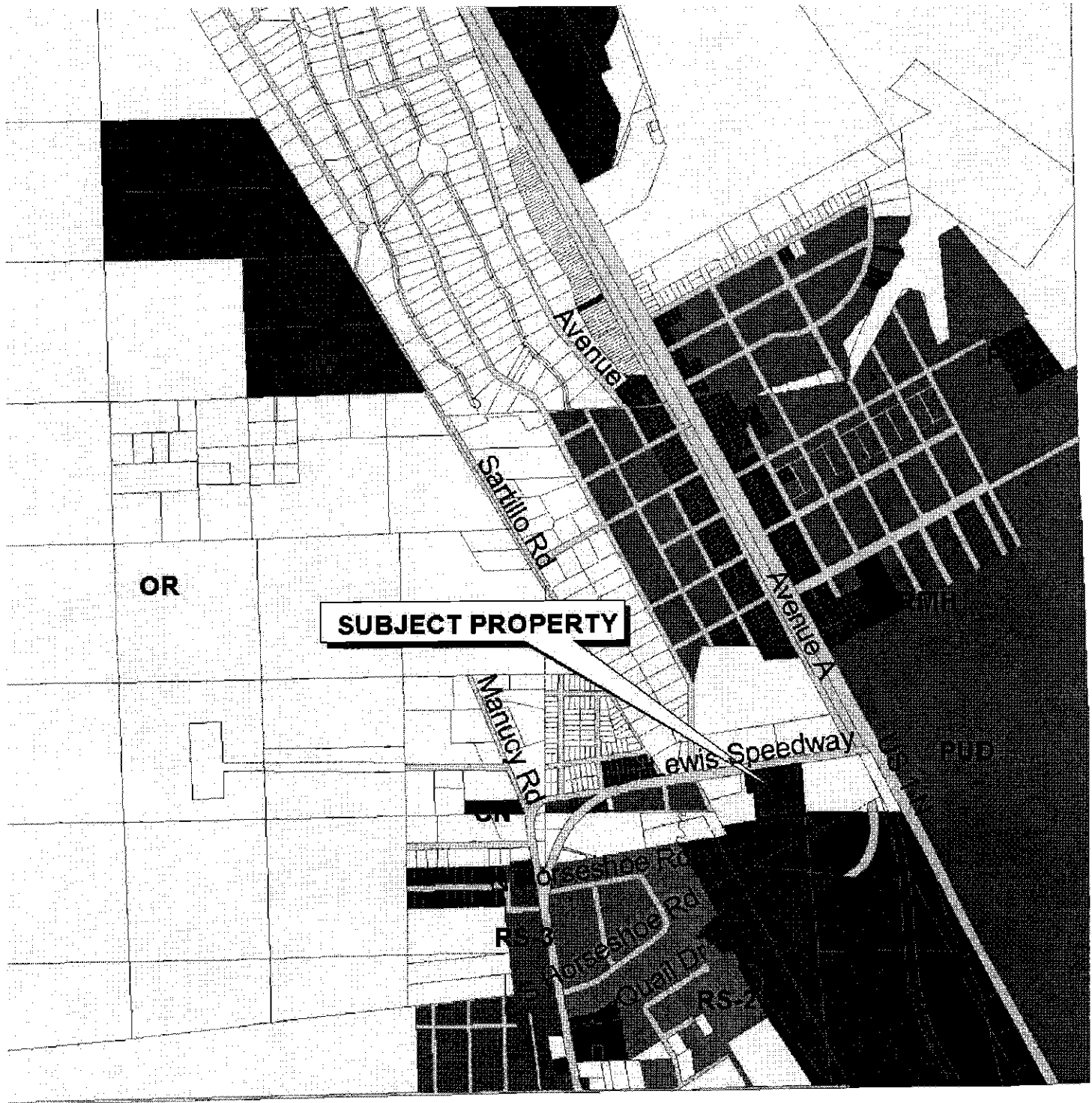
DEGROVE SURVEYORS, INC.
2131 CORPORATE SQUARE BOULEVARD
ANDERSON, SC 29210
(803) 772-0400

DRAWING DATE: SEPTEMBER 14, 2000
SURVEY DATE: SEPTEMBER 11, 2000
FIELD BOOK: 634 PART(S): 32
JOB FILE NO. 20000217

DRAWN BY: RMS
CHECKED BY: GRN
COMPUTER FILE: 2000217.DWG
SCALE: 1" = 50'

REVISION DATE:

CERTIFIED TO:
POWERTEL JACKSONVILLE, INC.
SHEET 2 OF 4 SHEETS
SITE #1-R-001-258 - ST. AUGUSTINE AIRPORT - ST. JOHNS COUNTY, FLORIDA



POWERTEL/ ZVAR2000-18

