

RESOLUTION NO. 2001-207

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY DRAINAGE EASEMENT FROM MARSHALL CREEK, LTD., A FLORIDA LIMITED PARTNERSHIP, TO ST. JOHNS COUNTY FOR DRAINAGE PURPOSES.**

**WHEREAS**, Marshall Creek, Ltd., a Florida limited partnership, the developer of Marshall Creek DRI Unit B-One, has submitted to the County an executed Temporary Drainage Easement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, the County has determined that in order to ensure to future lot owners sufficient drainage rights a temporary easement is required to allow use of the adjacent land for drainage by the future lot owners within the Subdivision; and

**WHEREAS**, the easement will no longer be necessary if the additional land adjacent to the Subdivision is platted.

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

Section 1. The Temporary Drainage Easement attached hereto as Exhibit "A", is hereby accepted.

Section 2. The Clerk is instructed to record the original Temporary Drainage Easement in the Official Records of St. Johns County, Florida and mail executed copies of the Easement and Resolution to all parties.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of November, 2001.

**BOARD OF COUNTY COMMISSIONERS  
OF 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

**TEMPORARY DRAINAGE EASEMENT**

This Temporary Drainage Easement is given this 16<sup>th</sup> day of August, 2001, by **MARSHALL CREEK, LTD.**, a Florida limited partnership ("Grantor") to **ST. JOHNS COUNTY** ("Grantee").

**RECITALS**

A. Grantor has submitted to Grantee a proposed plat of a single family subdivision to be known as Marshall Creek DRI Unit B-One (the "Plat" or "Subdivision").

B. Grantor owns additional lands adjacent to the Subdivision which Grantor plans to plat into additional subdivisions in the future.

C. A stormwater drainage pipe is required from the southern terminus of Isleworth Drive as shown on the plat south to an outfall to the stormwater pond shown on the future phase of Parcel B and then to the outfall within Stokes Creek. A drainage easement is therefore shown over the adjacent lands owned by Grantor which will be platted as future subdivisions.

D. In its review of the proposed plat of the Subdivision, Grantee has determined that in order to ensure to future lot owners sufficient drainage rights a temporary easement be granted to allow use of the adjacent land for drainage by the future lot owners within the Subdivision.

E. The temporary drainage easement will no longer be necessary if the additional land adjacent to the Subdivision is platted.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Grantor does grant and declare as follows:

1. Grantor hereby grants to Grantee, its successors and assigns, a temporary drainage easement over and across the real property described on the attached Exhibit A (the "Easement Area"). The drainage easement shall terminate automatically without necessity of any further documentation immediately upon the recordation of a plat that includes the Easement Area as a drainage easement within its boundaries.

2. Grantee, by its acceptance of its easement, agrees that this easement is temporary and shall terminate immediately upon recordation of a plat that includes the Easement Area as a drainage easement within its boundaries.

3. Grantor reserves to itself and its successors and assigns all rights in the Easement Area not inconsistent with its use as a temporary drainage easement.

IN WITNESS WHEREOF, Grantor has caused this temporary easement to be executed by a duly authorized individual as of the day and year first above written.

Signed, sealed and delivered in the presence of:

**MARSHALL CREEK, LTD.**, a Florida limited partnership

By: HINES/MARSHALL CREEK, LTD., a Florida limited partnership, as its sole general partner

By: HINES MANAGEMENT, L.L.C., a Delaware limited liability company, as its sole general partner

By: Hines Interests Limited Partnership, a Delaware limited partnership, its sole member

By: Hines Holdings, Inc., a Texas corporation, as its sole general partner

H. Thomas Rodgers  
Print: H. Thomas Rodgers

Michael C. Taf  
Print: Michael C. Taf

Michael T. Harrison  
By: Michael T. Harrison  
Print: Michael T. Harrison  
Its: Vice President  
Address: Five Ravinia Drive  
Atlanta, GA 30346-2102 *me*

STATE OF Florida }  
  } SS  
COUNTY OF St. Johns }

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of August, 2001, by Michael T. Harrison, as Vice President of HINES HOLDINGS, INC., a Texas corporation, as the sole general partner of HINES INTERESTS LIMITED PARTNERSHIP, a Delaware limited partnership, the sole member of HINES MANAGEMENT, L.L.C., a Delaware limited liability company, as the sole general partner of HINES/MARSHALL CREEK, LTD., a Florida limited partnership, as the sole general partner of MARSHALL CREEK, LTD., a Florida limited partnership, on behalf of the partnership.

Carla Marie Luigs  
(Print Name Carla Marie Luigs)  
NOTARY PUBLIC  
State of Florida at Large  
Commission # DD011641  
My Commission Expires: may 29, 2005  
Personally Known   
or Produced I.D. \_\_\_\_\_  
[check one of the above]  
Type of Identification Produced \_\_\_\_\_

LEGAL DESCRIPTION: EASEMENT PARCEL

A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF LANDS DESCRIBED AS PARCEL "2" IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 883, PAGE 0200 WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.1 (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED), THENCE NORTH 29°14'51" EAST, 3909.60 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED; THENCE NORTH 73°24'18" EAST, 106.30 FEET; THENCE SOUTH 12°18'18" EAST, 222.67 FEET TO A POINT OF CURVATURE; THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 14°22'04" EAST, 35.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 16°25'48" EAST, 331.84 FEET TO A POINT OF CURVATURE; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 230.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 38°46'27" EAST, 174.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 61°07'05" EAST, 260.38 FEET; THENCE SOUTH 44°26'51" EAST, 410.34 FEET; THENCE SOUTH 67°48'41" WEST, 295.89 FEET; THENCE SOUTH 41°45'57" WEST, 194.02 FEET; THENCE NORTH 65°21'50" WEST, 24.19 FEET; THENCE SOUTH 84°16'13" WEST, 36.50 FEET; THENCE NORTH 37°48'56" WEST, 23.08 FEET; THENCE NORTH 15°54'52" WEST, 61.27 FEET; THENCE SOUTH 45°25'22" EAST, 74.53 FEET; THENCE SOUTH 87°14'28" EAST, 35.79 FEET; THENCE NORTH 41°45'57" EAST, 176.87 FEET; THENCE NORTH 67°48'41" EAST, 231.82 FEET; THENCE NORTH 44°26'51" WEST, 357.61 FEET; THENCE NORTH 61°07'05" WEST, 252.17 FEET TO A POINT OF CURVATURE; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 286.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 38°46'27" WEST, 217.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 16°25'48" WEST, 331.84 FEET TO A POINT OF CURVATURE; THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 556.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 14°22'03" WEST, 40.02 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 12°18'18" WEST, 168.33 FEET; THENCE SOUTH 73°24'18" WEST, 50.14 FEET; THENCE NORTH 12°18'18" WEST, 50.14 FEET TO THE POINT OF BEGINNING.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OF  
**A PORTION OF SECTION 3 AND 4, TOWNSHIP 6 SOUTH, RANGE 29 EAST,**  
**ST. JOHNS COUNTY, FLORIDA.**

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REVISED 8-28-01 TO ADD TO EASEMENT AREA

ACAD DWG. MCUNIT1BPLAT DATE: 8/14/01

**LEGEND:**

PC=POINT OF CURVATURE	Δ=DELTA ANGLE
PT=POINT OF TANGENCY	R/W=RIGHT-OF-WAY
PI=POINT OF INTERSECTION	PB=PLAT BOOK
PRC=POINT OF REVERSE CURVATURE	MB=MAP BOOK
PCC=POINT OF COMPOUND CURVATURE	DB=DEED BOOK
R=RADIUS	ORV=OFFICIAL RECORDS VOLUME
CH=CHORD	ORB=OFFICIAL RECORDS BOOK
L=LENGTH	PG=PAGE
MSL=MEAN SEA LEVEL	CL=CENTERLINE
SEC=SECTION	NTS=NOT TO SCALE
IP=IRON PIPE	FND=FOUND
CM=CONCRETE MONUMENT	TRAV=TRAVERSE
PRM=PERMANENT REFERENCE MONUMENT	PL=PROPERTY LINE

DRAWN BY:  
C.R.L.

CHECKED BY:  
C.R.L.



**PRIVETT & ASSOC.**  
**OF FLORIDA, INC.**  
 SURVEYORS AND LAND PLANNERS

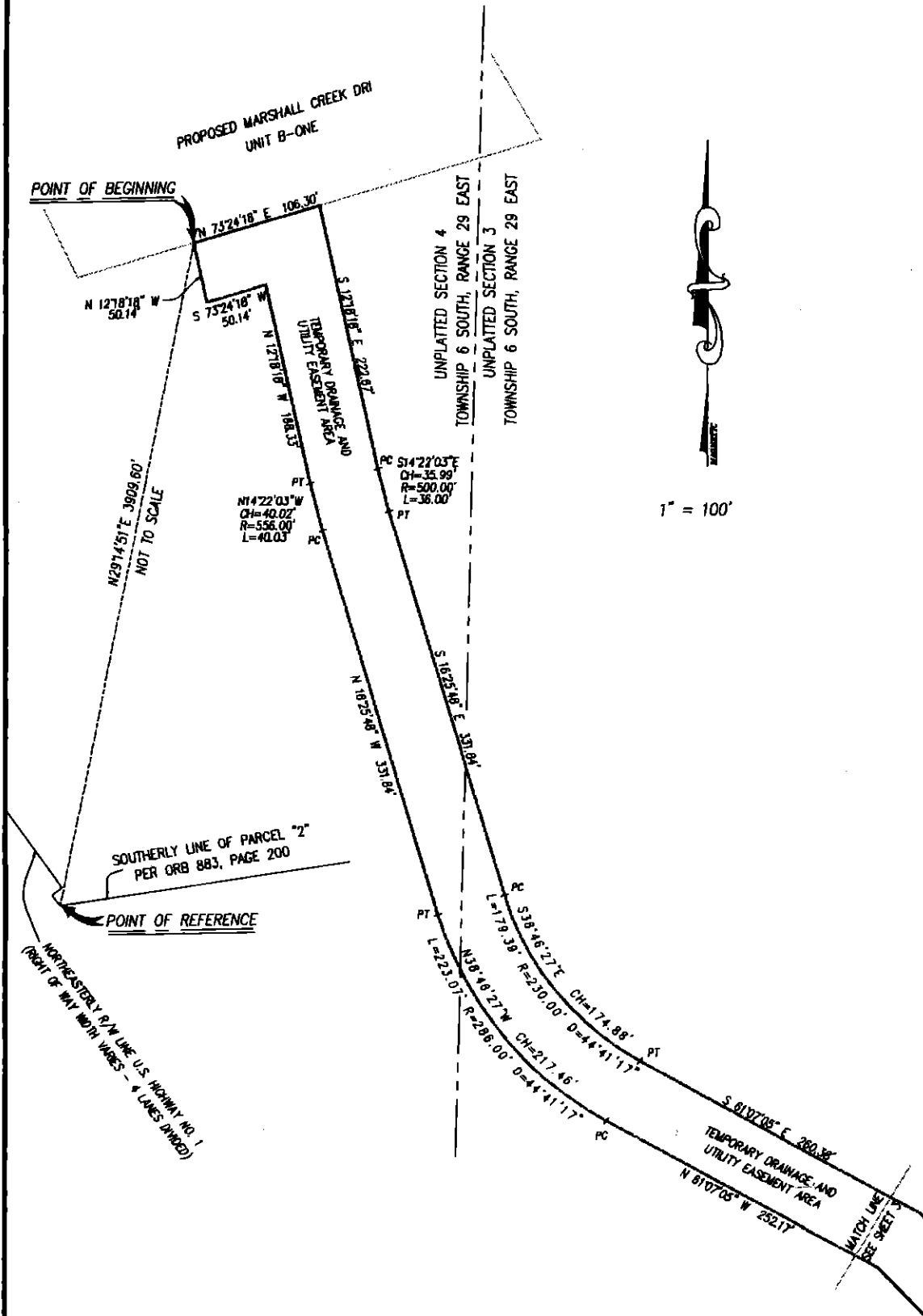
2732 TOWNSEND BOULEVARD  
 JACKSONVILLE, FLORIDA, 32211  
 (904) 743-7658, LB# 4622

*Charles Robert Lee*  
 PARK D. PRIVETT, JR.  
 REGISTERED SURVEYOR NO. 2218 GA.  
 PROFESSIONAL SURVEYOR & MAPPER NO. 2841 FL.  
 JOHN M. JAMES  
 PROFESSIONAL SURVEYOR & MAPPER NO. 4774 FL.  
 CHARLES ROBERT LEE  
 PROFESSIONAL SURVEYOR & MAPPER NO. 5818 FL.

**NOTES:**

- 1.) BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES.
- 2.) THIS IS NOT A SURVEY.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OF  
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1" = 100'

UNPLATTED SECTION 3  
 TOWNSHIP 6 SOUTH, RANGE 29 EAST

