

RESOLUTION NO. 2001-27

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF RACE TRACK ROAD.**

**WHEREAS**, the St. Johns County Land Development 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 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 Clerk is instructed to record the original Temporary Access Easement in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED**, this 20<sup>th</sup> day of February, 2001.

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

By: Mary F. Kohnke  
Mary F. Kohnke, Chair

**ATTEST:** Cheryl Strickland, Clerk

Patricia A. Strickland  
Deputy Clerk

Site I.D.: J-199  
Site Name: Bishop

EXHIBIT "A" TO RESOLUTION

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 **R. M. WILLIAMS, JR., INDIVIDUALLY, AND AS TRUSTEE OF THE RASMUS MONROE WILLIAMS, JR. TRUST**, with an address of 7445 Judith Ave., Jacksonville, Florida 32256, his 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 \_\_\_\_\_ 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

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Grantee, its 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 has signed and sealed this instrument this \_\_\_ day of \_\_\_\_\_, 2001.

(signatures continued on next page)

GRANTOR

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness  
Print Name: JEFF PLYGM

By: R.M. Williams Jr  
R. M. WILLIAMS, JR.,  
INDIVIDUALLY, AND AS TRUSTEE  
OF THE RASMUS MONROE  
WILLIAMS, JR. TRUST

Annie F. Williams  
Witness  
Print Name: Annie F. Williams

Executed this 17<sup>th</sup> day of January,  
2001.

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of January, 2001, by **R. M. WILLIAMS, JR., INDIVIDUALLY, AND AS TRUSTEE OF THE RASMUS MONROE WILLIAMS, JR. TRUST**, who is personally known to me or who has produced \_\_\_\_\_, as identification.



KIM M. TROILO  
Notary Public, State of Florida  
My comm. expires Dec. 22, 2009  
Comm. No. CC 798784

[Signature]  
NOTARY PUBLIC  
Print Name: Kim M Troilo

My Commission Expires:

Comm. No. CC 798784  
My comm. expires Dec. 22, 2002  
Notary Public, State of Florida  
KIM M. TROILO



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**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: \_\_\_\_\_

# MAP SHOWING BOUNDARY AND TOPOGRAPHIC SURVEY OF

A PORTION OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS

LEASE PARCEL.

A PORTION OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT T OF UNIONTON CREEK UNIT SIX AS RECORDED IN MAP BOOK 17, PAGES 1-31 OF THE PUBLIC RECORDS IN ST. JOHNS COUNTY, FLORIDA AND A POINT ON THE NORTHERLY RIGHT OF WAY OF RACETRACK ROAD A 66 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTH 78 DEGREES 22 MINUTES 12 SECONDS EAST ALONG SAID RIGHT OF WAY 110.33 FEET; THENCE NORTH 35 DEGREES 19 MINUTES 19 SECONDS EAST, 372.71 FEET; THENCE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 03 MINUTES 37 SECONDS EAST, 100.00 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 23 SECONDS WEST, 100.00 FEET; THENCE SOUTH 89 DEGREES 03 MINUTES 37 SECONDS WEST, 100.00 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 23 SECONDS EAST, 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1000.00 SQUARE FEET, MORE OR LESS.

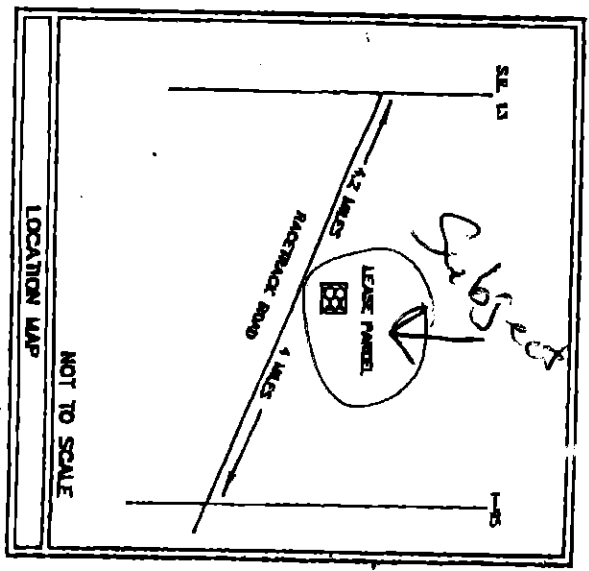
35' EGRESS, EGRESS, AND UTILITY EASEMENT

A PORTION OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT T OF UNIONTON CREEK UNIT SIX AS RECORDED IN MAP BOOK 17, PAGES 1-31 OF THE PUBLIC RECORDS IN ST. JOHNS COUNTY, FLORIDA AND A POINT ON THE NORTHERLY RIGHT OF WAY OF RACETRACK ROAD A 66 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTH 76 DEGREES 22 MINUTES 54 SECONDS EAST ALONG SAID RIGHT OF WAY 110.33 FEET TO THE POINT OF BEGINNING; THENCE NORTH 12 DEGREES 07 MINUTES 47 SECONDS EAST, 372.71 FEET; THENCE NORTH 35 DEGREES 19 MINUTES 33 SECONDS EAST, 362 FEET; THENCE NORTH 89 DEGREES 03 MINUTES 37 SECONDS EAST, 43.41 FEET; THENCE SOUTH 35 DEGREES 19 MINUTES 47 SECONDS WEST, 27.11 FEET; THENCE SOUTH 12 DEGREES 07 MINUTES 47 SECONDS WEST, 366.44 FEET TO THE SAID NORTHERLY RIGHT OF WAY; THENCE NORTH 76 DEGREES 22 MINUTES 54 SECONDS WEST ALONG SAID RIGHT OF WAY, 35.01 FEET TO THE POINT OF BEGINNING, CONTAINING 0.311 ACRES, MORE OR LESS.

## LINE LEGEND

- 6 ————— CONTIGUOUS LINE
- - - - - FENCE
- RIGHT-OF-WAY LINE
- RIGHT-OF-WAY CENTERLINE
- PROPERTY BOUNDARY
- - - - - DENOTES OVERHEAD POWER LINE



## LEGEND

- ⊙ DENOTES WOOD POWER POLE
- ⊙ DENOTES ELEVATION, ELEVATION LOCATION IS AS INDICATED BY NUMBER
- ▭ DENOTES ASPHALT
- ▭ DENOTES CONCRETE
- DENOTES SET 1/2" IRON PIPE WITH IDENTIFICATION CAP I.B. # 4603
- DENOTES FOUND 5/8" REBAR WITH IDENTIFICATION CAP C/O DAVIA I.B. 6556
- DENOTES FOUND 4"x4" CONCRETE MONUMENT WITH IR IDENTIFICATION
- DENOTES 5/8" REBAR AND CAP I.B. 1293, PLS 1262
- DENOTES FOUND 4"x6" CONCRETE MONUMENT WITH IR IDENTIFICATION
- △ DENOTES THE LOCATION OF NEILAND DELINEATION PLANS AS PLACED IN THE FIELD BY OTHERS

THIS SURVEY MEETS THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS PURSUANT TO CHAPTER 81G17-6, F.A.C.

*[Handwritten signature]*