

RESOLUTION NO. 2002- 143

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR A WATER MAIN, APPROVING EXECUTION OF A TERMINATION AND VACATION OF AN EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR ACCESS.

RECITALS

WHEREAS, it has come to the County's attention that the water main that provides water to Anastasia Island does not lie within the property as described in easement granted for such purposes; and

WHEREAS, Thompson Bros. Realty, Inc., Zane Ryman Mizell and Judith Z. Allen have executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, which correctly describes the location of said water main; and

WHEREAS, the County has agreed to grant Thompson Bros. Realty, Inc. a Temporary Construction Easement, attached hereto as Exhibit "B", and terminate the existing easement by virtue of a Termination and Vacation of an Easement, attached hereto as Exhibit "C", both incorporated by reference and made a part hereof; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above as stated in a letter attached hereto as Exhibit "D", incorporated by reference and made a part hereof.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. The above Recitals are incorporated by reference and are findings of fact.

Section 2. The Easement for Utilities is hereby accepted and the Chairman of the Board is hereby authorized to execute a Temporary Construction Easement and the Termination and Vacation of an Easement.

Section 3. The Clerk is instructed to record the original Easement for Utilities, Termination and Vacation of an Easement, and the Temporary Construction Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 23rd day of July, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST Cheryl Strickland, Clerk
By: Patricia DeGrande
Deputy Clerk

RENDITION DATE 7-24-02

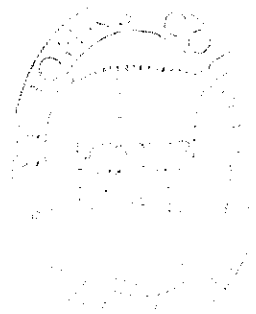


EXHIBIT "A" TO RESOLUTION

Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this ____ day of _____, 2002, by **THOMPSON BROS. REALTY, INC., ZANE RYMAN MIZELL AND JUDITH Z. ALLEN**, with an address of P.O. Drawer 70, St. Augustine, Florida 32085, hereinafter called "Grantor", to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the "Grantee".

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, said Grantors hereby give, grant dedicate and convey to the Grantee, its successors and assigns forever, an unobstructed right-of-way and non-exclusive permanent easement with the right, privilege and authority to said Grantee, its successors and assigns, to construct, operate, lay, maintain, improve and repair a sub-surface water main for water on, along, over, through, across or under the following described land, situate in St. Johns County, Florida, to wit:

Property as described on attached Exhibit "A", incorporated by reference and made a part hereof.

TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under or in lands, together with the right, easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officers as of the day and year first above written.

SIGNATURE PAGE AND NOTARY PAGE FOR ZANE RYMAN MIZELL

Malcolm Clark
Print Witness Name: MALCOLM CLARK

Zane Ryman Mizell
ZANE RYMAN MIZELL

Patsy B. Vestal
Print Witness Name: PATSY B. VESTAL

STATE OF NORTH CAROLINA
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this 31ST day
of may, 2002, by **ZANE RYMAN MIZELL**, Who is personally
known to me or has produced _____ as identification.

Patsy B. Vestal
Notary Public
My Commission expires: 1-20-2006

Signed and Sealed in Our
Presence as Witnesses:

(sign) Hazel Joyce Fitzsimmons
(print) HAZEL JOYCE FITZSIMMONS

(sign) J. H. Mandella
(print) J. H. Mandella

GRANTOR
Thompson Bros. Realty, Inc.

By: Pierre D. Thompson
Print Name: PIERRE D. THOMPSON

Judith Z. Allen
Judith Z. Allen

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 3rd day of
June, 2002, by Pierre D. Thompson its
President of THOMPSON BROS. REALTY, INC. He is personally
known to me or has produced _____ as identification.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 4th day of
June, 2002, by JUDITH Z. ALLEN Who is personally known to me
or has produced _____ as identification.

Hazel Joyce Fitzsimmons
Notary Public
My Commission expires:

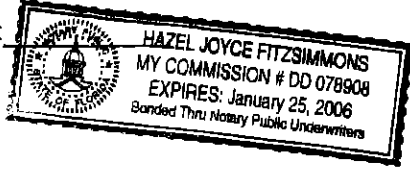


EXHIBIT "A"
(Easement for Utilities)

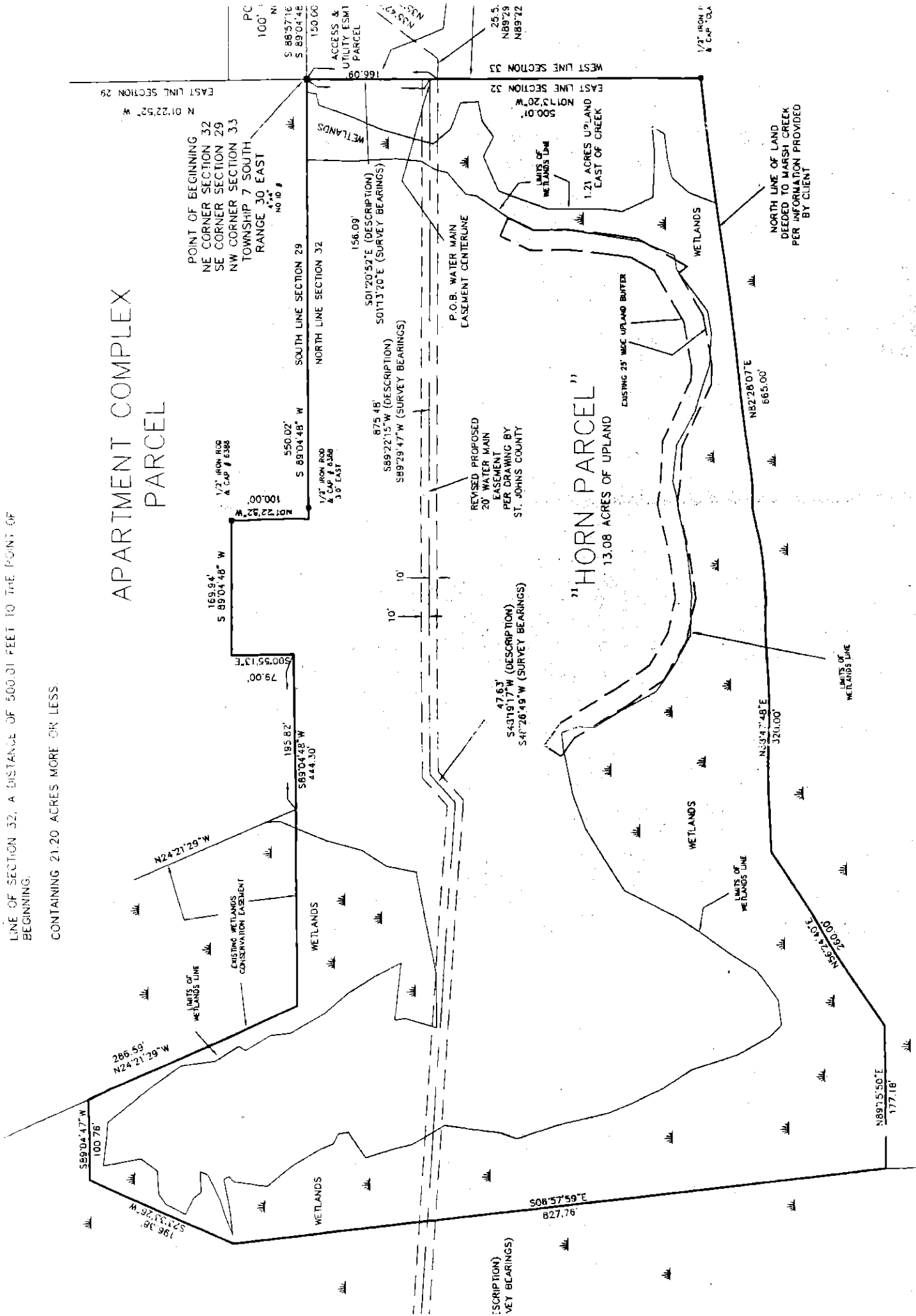
A PART OF SECTION 32, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 20 FEET IN WIDTH LYING EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEASTERLY CORNER OF SAID SECTION 32, THENCE SOUTH 01 DEGREES 20 MINUTES 52 SECONDS EAST, ALONG THE EASTERLY LINE OF SAID SECTION 32, THE SAME BEING THE WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 676, PAGE 1825 OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 156.09 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89 DEGREES 22 MINUTES 15 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 875.48 FEET; THENCE SOUTH 48 DEGREES 19 MINUTES 17 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 47.63 FEET; THENCE NORTH 86 DEGREES 37 MINUTES 22 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 2800 FEET, MORE OF LESS TO THE EASTERLY LINE OF THOSE LANDS OWNED BY THE STATE OF FLORIDA AS DESCRIBED IN OFFICIAL RECORDS 908, PAGE 1420 OF SAID PUBLIC RECORDS AND THE POINT OF TERMINUS OF SAID CENTERLINE. SAID STRIP OF LAND BEING BOUNDED ON THE EAST BY THE EASTERLY LINE OF SAID SECTION 32 AND BOUNDED ON THE WEST BY THE EASTERLY LINE OF SAID STATE OWNED LANDS.

LINE OF SECTION 32, A DISTANCE OF 500.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.20 ACRES MORE OR LESS.

APARTMENT COMPLEX PARCEL



"HORN PARCEL"

13.08 ACRES OF UPLAND

NORTH LINE OF LAND DECEDED TO MARSH CREEK PER INFORMATION PROVIDED BY CLIENT

(DESCRIPTION) (BET WEARINGS)

EXHIBIT "B" TO RESOLUTION

Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT made this ____ day of _____, 2002, by ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called "Grantor" and THOMPSON BROS., REALTY, INC., whose address is PO. DRAWER 70, St. Augustine FL 32085, hereinafter called "Grantee".

WITNESSETH that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the Grantor hereby gives, grants, bargains and releases to the Grantee or its designee, a temporary construction easement to enter upon and use the Grantor's property as described below for such purpose for ingress and egress, in, upon, over, and through the following described land in St. Johns County, Florida, described as follows:

Property as described on attached Exhibit "A", incorporated by reference and made a part hereof.

It is understood and agreed by the parties hereto that the rights granted herein shall terminate after a period of four years from the date of execution of this easement.

The Grantee hereby agrees that the easement property will be restored to its original condition and to hold Grantor harmless from and against any and all liability, loss or damage occasioned by any negligent act or omission of Grantee, its agents and employees, arising out of or related to Grantee's use of the easement property.

IN WITNESS WHEREOF, grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in our presence as witnesses:

ST. JOHNS COUNTY, FLORIDA

Print Name: _____

By: _____
James E. Bryant, Chairman

Print Name: _____

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by James E. Bryant, Chairman of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board. He is personally known to me.

Notary Public
My Commission Expires: _____

Signed, sealed and delivered in
our presence as witnesses:

GRANTEE

Print Name _____

Print Name _____

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by _____
Who is personally known to me or has produced _____
as identification.

Notary Public
My Commission Expires: _____

EXHIBIT "A"
(Temporary Construction Easement)

A PART OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 33, THENCE SOUTH 01 DEGREES 20 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 166.09 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 15 SECONDS EAST 25.52 FEET; THENCE NORTH 35 DEGREES 34 MINUTES 51 SECONDS EAST 207.18 FEET TO THE NORTH LINE OF SAID SECTION 33, SAID LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF POPE ROAD (A 100 FOOT WIDE RIGHT OF WAY); THENCE SOUTH 88 DEGREES 57 MINUTES 16 SECONDS WEST, ALONG SAID NORTH LINE OF SECTION 33 AND ALONG SAID RIGHT OF WAY, 150.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C" TO RESOLUTION

Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

TERMINATION AND VACATION OF AN EASEMENT

THIS TERMINATION AND VACATION OF AN EASEMENT made this _____ day of _____, 2002, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, its successors of **ANASTASIA SANITARY DISTRICT**, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called party of the first part and **THOMPSON BROS. REALTY, INC.**, a Florida corporation, **MARION J. RYMAN**, individually, and **BARNETT BANKS TRUST COMPANY, NATIONAL ASSOCIATION** and **MARION J. RYMAN**, as Co-Trustees of the Trust under the Will of Harold E. Ryman, deceased whose address is PO-DRAWER 70, ST. AUGUSTINE FL 32085, hereinafter called party of the second part.

WHEREBY, the party of the first part does hereby cancel and vacate that certain easement described in Official Records Book 737 page 1918, of the public records of St. Johns County, Florida, as to all the land situate, lying and being in St. Johns County, State of Florida.

In consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged by the party of the first, the party of the first part St. Johns County, Florida, does hereby terminate and vacate that easement described above, effective this date. Nothing herein contained shall in anywise impair, alter or diminish the effect of the remaining part of such land in said easement or any rights of the party of the first thereof.

IN WITNESS WHEREOF, party of the first part has executed this Termination on the day and year first above written.

Signed, sealed and delivered
in the presence of:

ST. JOHNS COUNTY, FLORIDA

Print Name: _____

By: _____
Ben W. Adams, Jr.,
County Administrator

Print Name _____

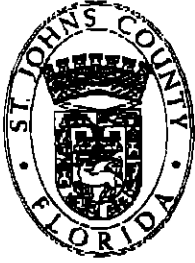
**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Ben W Adams the County Administrator of St. Johns County, on behalf of the County. He is personally known to me.

Notary Public

My commission expires: _____

EXHIBIT "D" TO RESOLUTION



ST. JOHNS COUNTY
UTILITY DEPARTMENT
2175 Mizell Road
P.O. Drawer 3006
St. Augustine, Florida 32085-3006

I N T E R O F F I C E M E M O R A N D U M

TO: Debbie Taylor, Real Estate Coordinator

FROM: Herbert A. Van Der Mark *H.A.V.*
Construction Manager of Utilities

SUBJECT: Termination and vacation of existing utility easement, replacement easement for utilities at altered location for existing 20" water main, and temporary construction easement.

DATE: July 2, 2002

Please be informed that the above referenced documents have been reviewed by the St. Johns County Utility Department. The Utility Department is in concurrence with the subject easements and the appropriate execution.

Not OK

This instrument prepared by:
James G. Sisco
P.O. Box 1533
St. Augustine, Fl. 32084

S' 6750

GRANT OF EASEMENT

O.R. 737 PG 1918

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Thompson Bros. Realty, Inc., a Florida corporation, Marion J. Ryman, individually, and Barnett Banks Trust Company, National Association and Marion J. Ryman as Co-Trustees of the Trust under the Will of Harold E. Ryman, deceased, hereinafter called GRANTOR, for \$10.00 and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby and by these presents assign, convey, remise, release and grant unto the Anastasia Sanitary District, whose address is c/o Clerk of Courts, St. Johns County Courthouse, St. Augustine, Florida 32084 and to its assigns, hereinafter called GRANTEE, a perpetual, exclusive 10 foot wide easement for utility lines, access thereto, and other services beneficial to the public, and a temporary construction easement 100 feet in width on the southerly side and 35 feet in width on the northerly side of said perpetual easement, the centerline of said perpetual easement being described as follows:

A portion of Sections 29 and 32, Township 7 South, Range 30 East, St. Johns County, Florida, the centerline of the 10 foot wide perpetual Easement being described as follows:

Commence at the Northeast corner of Section 32, Township 7 South, Range 30 East, St. Johns County, Florida; run thence South along the East line of said Section 32 a distance of 155.02 feet to a point for the Point of Beginning. From the Point of Beginning, run thence North 89°15'55" West a distance of 1,086.88 feet to a point, said point being the point of curve of a curve concave to the Northeast having a radius of 200.00 feet, a tangent distance of 82.84 feet, and a central angle of 45°00'00"; run thence along the arc of said curve a distance of 157.08 feet to the end of said curve; run thence North 44°15'55" West a distance of 11.64 feet to a point, said point being the point of curve of a curve concave to the Southwest having a radius of 200.00 feet, a tangent distance of 82.84 feet, and a central angle of 45°00'00"; run thence along the arc of said curve a distance of 157.08 feet to the end of said curve; run thence North 89°15'55" West a distance of 480.29 feet to a point, said point being the point of curve of a curve concave to the Northeast having a radius of 120.00 feet, a tangent distance of 49.71 feet, and a central angle of 45°00'00"; run thence along the arc of said curve a distance of 94.25 feet to the end of said curve; run thence North 44°15'55" West a distance of 6.10 feet to a point, said point being the point of curve of a curve concave to the Southwest having a radius of 120.00 feet, a tangent distance of 49.71 feet, and a central angle of 45°00'00"; run thence along the arc of said curve a distance of 94.25 feet to the end of said curve; run thence North 89°15'55" West a distance of 1,670.00 +/- feet to the Matanzas River and the termination of this description. As a point of reference continue North 89°15'55" West a distance of 2,240.50 feet to the centerline and projection thereof of aforesaid Shore Drive, a distance of 468.52 feet to its intersection with the centerline of Terrapin Road except therefrom, all lands belonging to the State of Florida; the perpetual easement containing 0.863 acres, more or less.

Duties Tax Pd: \$ 50
Intangible Tax Pd.
Clerk St. Johns
C.E.M. D.C.

Easement that will
be terminated per
Revol. 7-23-02

TO HAVE AND TO HOLD unto the grantee, its successors and assigns for the above described purposes and said grantor does hereby fully warrant the title to said easements and will defend the same against the lawful claims of all persons whomsoever.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantors' hand and seal the days and year set forth in the below Notary Acknowledgments.

Signed, sealed and delivered in our presence:

Brigid Barnes
Sheri Bateman
As to Thompson Bros. Realty, Inc.

Thompson Bros. Realty, Inc.

By: Pierre D. Thompson (SEAL)
Its President

Brigid Barnes
Sheri Bateman
As to Marion J. Ryman

Marion J. Ryman (SEAL)
Marion J. Ryman, individually and as Co-Trustee of the above described trust.

Brigid Barnes
Sheri Bateman
As to Barnett Banks Trust Company, N.A.

Barnett Banks Trust Company, National Association, as Co-Trustee of the above described trust

By: Paul G. Payne
Its Senior Trust Officer

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 9th day of March, 1987 by Pierre D. Thompson, the President of Thompson Bros. Realty, Inc., a Florida corporation, on behalf of the corporation.

Brigid Barnes
Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires April 21, 1988

(NOTARY SEAL)

STATE OF FLORIDA
COUNTY OF ST. JOHNS

D.R. 737 PG 1920

The foregoing instrument was acknowledged before me this 9th day of March, 1987 by Marion J. Ryman, individually and as Co-Trustee of the Trust under the Will of Harold E. Ryman, deceased.

Bruce Barnes
Notary Public, State of Florida
Florida at Large



My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires April 23, 1988

(NOTARY SEAL)

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 9th day of March, 1987 by Ronald H. Payne the Senior Trust Officer of Barnett Banks Trust Company, National Association, a National Banking Association organized under the Laws of the United States, as Co-Trustee of the Trust under the Will of Harold E. Ryman, deceased on behalf of said corporate co-trustee.

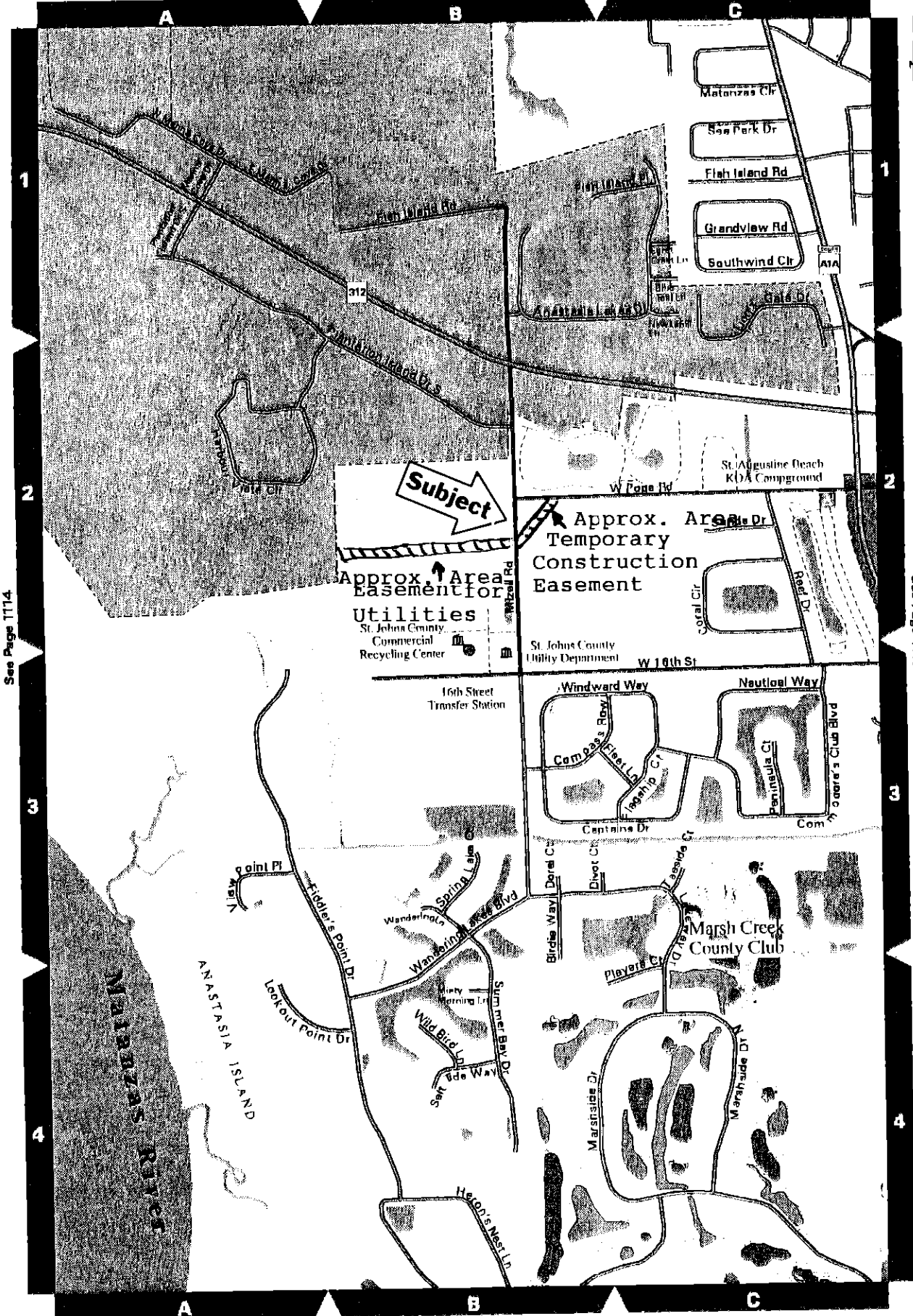
Bruce Barnes
Notary Public State of Florida
at Large



My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires April 23, 1988

(NOTARY SEAL)

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLORIDA
1987 MAR 13 PM 12:47
Carl "Frank" Hinkel
CLERK OF DISTRICT COURT



See Page 1114

See Page 1116