

RESOLUTION NO. 2002- 172

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY EASEMENT FOR DRAINAGE PURPOSES TO MARSHALL CREEK PALENCIA MV-1 PHASE ONE.**

**WHEREAS**, North River Land, L.L.C., has executed and presented to the County a Temporary Easement for drainage to Marshall Creek Palencia MV-1 Phase One, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, the Temporary Easement is to discharge all storm water which may fall or come upon all road rights of way within a residential development known as Courtyard Villas of Monterey; and

**WHEREAS**, the Temporary Easement shall become null and void upon the recording of a plat in the Public Records of St. Johns County as stated in the easement.

**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 into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The above described Temporary Easement for Drainage, attached hereto, is hereby accepted.

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

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of September, 2002.

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

By: James E. Bryant

James E. Bryant, Chairman

**ATTEST:** Cheryl Strickland, Clerk

Patricia A. Strickland  
Deputy Clerk

**RENDITION DATE** 9-6-02

Prepared By and Return to:  
Linda Connor Kane, Esquire  
Holland & Knight LLP  
50 North Laura Street, Suite 3900  
Jacksonville, Florida 32202

Exhibit "A" to Resolution

### TEMPORARY GRANT OF EASEMENT

THIS TEMPORARY GRANT OF EASEMENT, made this 31<sup>st</sup> day of July, 2002 between NORTH RIVER LAND, L.L.C., a Florida limited liability company, whose mailing address is 1548 The Greens Way, Suite 4, Jacksonville Beach, Florida 32250, hereinafter called Grantor, and ST. JOHNS COUNTY, hereinafter called Grantee, whose address is: 4020 Lewis Speedway, St. Augustine, Florida 32095.

**WITNESSETH:** That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed to the Grantee, its successors and assigns, forever a non-exclusive unobstructed easement with the right, privilege and authority to said Grantee, its successors and assigns, to discharge all stormwater which may fall or come upon all road rights of way within a residential development known as Courtyard Villas of Monterey, into, over, across or through the following described land situate in St. Johns County, Florida, to wit:

**AS DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCED INCORPORATED HEREIN AND MADE A PART HEREOF.**

**This is a Temporary Grant of Easement which shall become null and void upon the recording of a plat in the public records of St. Johns County, Florida, which includes the land described on Exhibit "A" attached hereto.**

Notwithstanding the foregoing, North River Land, L.L.C. shall be responsible for the maintenance of this temporary drainage easement.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed as of the date first above written.

Signed, sealed and delivered in the presence of:

NORTH RIVER LAND, L.L.C.  
By: Fletcher Group III, L.L.C., a limited liability company, Managing Member

Anita M. Farace  
Print Name: Anita M. Farace

By: Paul Z. Fletcher  
Paul Z. Fletcher  
Managing Member

Judy V. Buckner  
Print Name: Judy V. Buckner

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of July, 2002, Paul Z. Fletcher, as the Managing Member of Fletcher Group III, L.L.C., a Florida limited liability company, on behalf of the limited liability company as the Managing Member of North River Land, L.L.C., a Florida limited liability company, on behalf of the limited liability company.



Judy V Buckner  
My Commission DD088795  
Expires February 03, 2006

[Notary Seal]

Judy V. Buckner  
Print Name: Judy V. Buckner  
Notary Public, State of Florida  
Commission No.  
My Commission Expires:

Prepared by and return to:  
Linda Connor Kane, Esquire  
Holland & Knight LLP  
50 N. Laura Street, Suite 3900  
Jacksonville, Florida 32202

CONSENT AND JOINDER OF MORTGAGEE

The undersigned, PONTE VEDRA (1997) LONG TERM TRUST UNDER AGREEMENT DATED OCTOBER 30, 1997, whose address is 5000 Sawgrass Village Circle, Suite 28, Ponte Vedra Beach, Florida 32082, the owner and holder of that certain Security Agreement and Collateral Assignment of Note and Mortgage from NORTH RIVER LAND, L.L.C., a Florida limited liability company, dated January 18, 2002, and recorded January 28, 2002, in Official Records Book 1709, page 806, of the public records of St. Johns County, Florida (the "Mortgage"), the undersigned hereby consents to and joins in the foregoing Temporary Grant of Easement, and subordinates its mortgage lien encumbering all or any part of the Property (as described in said Temporary Grant of Easement) to the Temporary Grant of Easement.

IN WITNESS WHEREOF, the undersigned sets its hand and seal on this 2 day of August, 2002.

Signed, sealed and delivered  
in the presence of:

Helen Hope Hana  
Helen Hope Hana  
(Legibly print name here)

Richard C. Hana  
(Legibly print name here)

PONTE VEDRA (1997) LONG TERM  
TRUST UNDER AGREEMENT DATED  
OCTOBER 30, 1997,

By: Gasper Lazarra  
Gasper Lazarra, as Trustee

(CORPORATE SEAL)

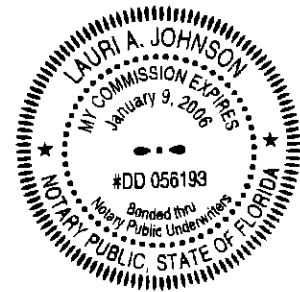
STATE OF Florida )  
COUNTY OF St. Johns )

The foregoing instrument was acknowledged before me this 2 day of August, 2002, by GASPER LAZARRA, as Trustee of Ponte Vedra (1997) Long Term Trust Under Agreement Dated October 30, 1997, who is personally known to me or has produced \_\_\_\_\_ as identification.

Lauri A. Johnson  
(Sign on this line)  
Lauri A. Johnson  
(Legibly print name on this line)

NOTARY PUBLIC, State of Florida  
Commission No.: DD 056193  
My commission expires: January 9, 2006

(SEAL)



(Courtyard Villas of Monterey)

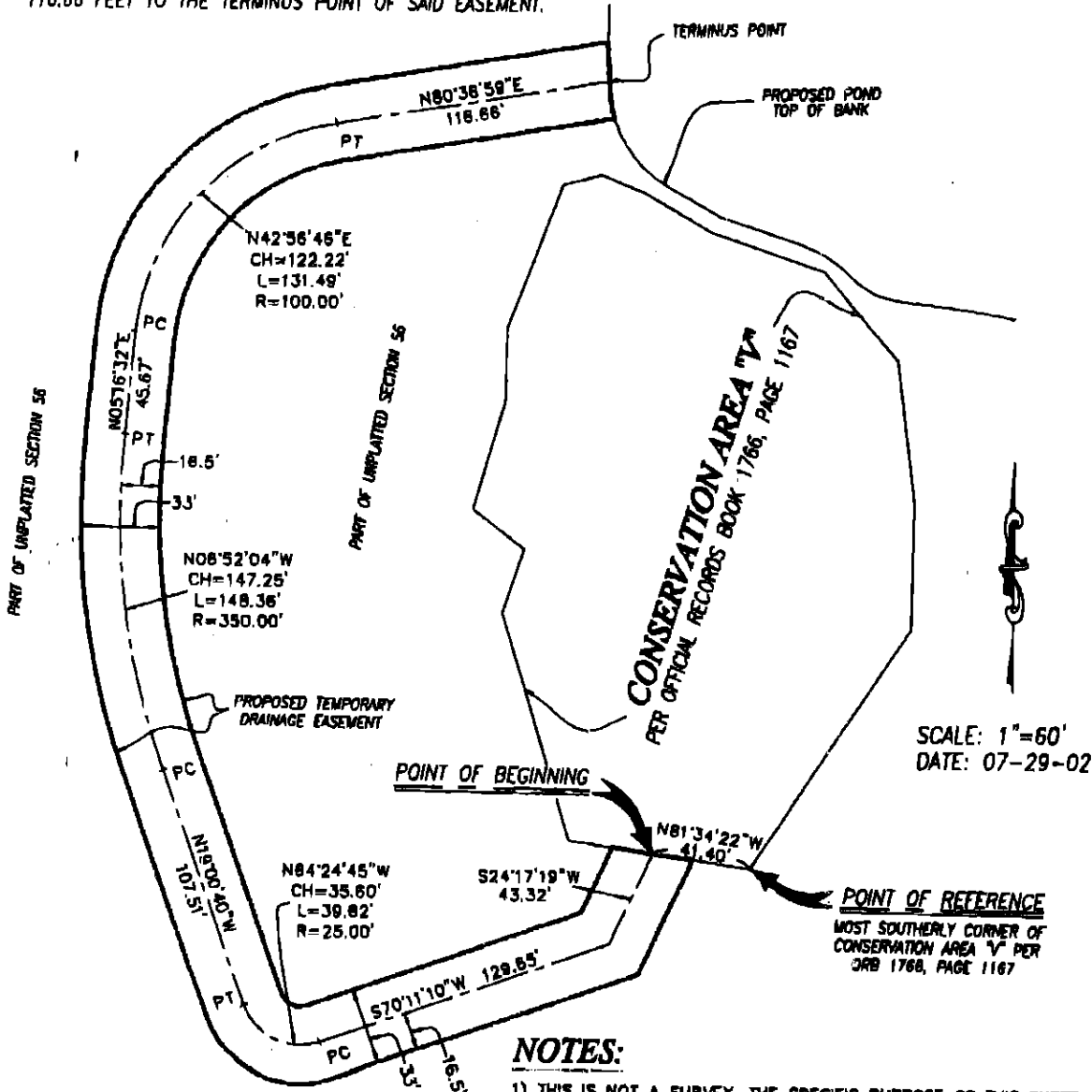
JAX1 #667624 v2

EXHIBIT "A" to Easement

SKETCH AND LEGAL DESCRIPTION OF

A PROPOSED TEMPORARY DRAINAGE EASEMENT ACROSS A PORTION OF SECTION 56, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE MOST SOUTHERLY CORNER OF LANDS DESCRIBED AS CONSERVATION AREA "V" IN BOOK 1766, PAGE 1167 OF THE OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 81°34'22" WEST, ALONG THE SOUTHERLY LINE OF SAID CONSERVATION AREA "V", 41.40 FEET TO THE POINT OF BEGINNING:

SAID EASEMENT BEING 33 FEET WIDE AND LYING 16.5 FEET EACH SIDE OF AND PERPENDICULAR TO THE FOLLOWING DESCRIBED CENTERLINE; THENCE SOUTH 24°17'19" WEST, 43.32 FEET; THENCE SOUTH 70°11'10" WEST, 129.85 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 25.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 64°24'45" WEST, 35.60 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 19°00'40" WEST, 107.51 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 350.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 06°52'04" WEST, 147.25 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 05°16'32" EAST, 45.67 FEET TO A POINT OF CURVATURE; THENCE IN A NORTHEASTERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 42°56'46" EAST, 122.22 FEET TO THE POINT OF TANGENCY OF SAID CURVE. THENCE NORTH 80°36'59" EAST, 116.66 FEET TO THE TERMINUS POINT OF SAID EASEMENT.



SCALE: 1"=60'  
DATE: 07-29-02

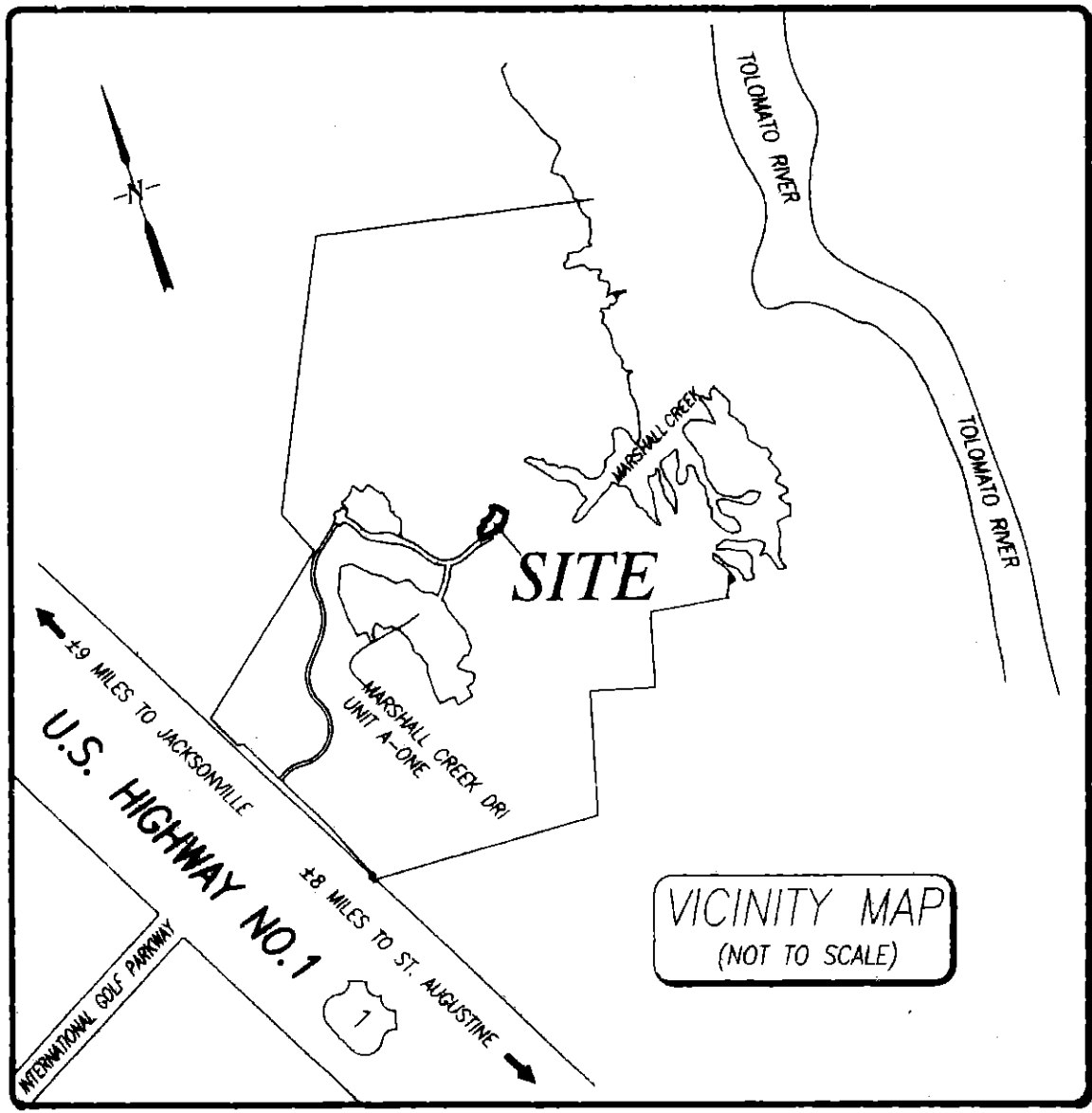
NOTES:

- 1) THIS IS NOT A SURVEY. THE SPECIFIC PURPOSE OF THIS SKETCH IS TO ACCOMPANY LEGAL DESCRIPTION.
- 2) THE BEARINGS SHOWN HEREON ARE BASED ON S48°38'32"E FOR A N'LY LINE OF MARSHALL CREEK DRI UNIT A-ONE.

SKETCH DATE: 7/30/02

**PRIVETT & ASSOC. OF FLORIDA, INC.**  
SURVEYORS, MAPPERS AND LAND PLANNERS  
2732 TOWNSEND BOULEVARD  
JACKSONVILLE, FLORIDA, 32211  
(904) 743-7638 LB No.4622

*Charles Robert Lee*  
CHARLES ROBERT LEE  
REGISTERED SURVEYOR & MAPPER NO. 5018 FL.



VICINITY MAP  
(NOT TO SCALE)