

RESOLUTION NO. 2002- 175

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING
THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A
COMMUNICATIONS TOWER SITE LOCATED OFF ROBERTS 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 County's Land Development Code requires the fee owner of the land underlying the 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 to the tower site in the event that removal of the telecommunications tower is required due to abandonment of the telecommunications tower as noted in Section 6.08.12.N of the County's Land Development Code.

**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 acceptance of the Temporary Access Easement attached hereto, as Exhibit "A", is hereby approved.

Section 3. The Chairman of the Board is hereby authorized to execute the Temporary Access Easement and Clerk is to record in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 3rd 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 De Grande
Deputy Clerk

RENDITION DATE 9-6-02



Prepared by:
Suzanne S. Howard
Assistant General Counsel
Office of General Counsel
117 West Duval Street, Suite 480
Jacksonville Florida 32202

Exhibit "A" to Resolution

TEMPORARY GRANT OF EASEMENT

This Temporary Grant of Easement is made this _____ day _____, 2002, by, JEA, a body politic and corporate, with an address of 21 West Church Street, Jacksonville, FL 32202-3139, 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."

WITNESSETH

WHEREAS, Grantor, in cooperation with Verizon Wireless Personal Communications LP, a Delaware limited partnership d/b/a Verizon Wireless f/k/a PrimeCo Personal Communications L.P., with its principal offices located at 180 Washington Valley Road, Bedminster, New Jersey, 07921, contemplates the construction of a telecommunications facility on that portion of the JEA Switzerland Sub-Station located in St. Johns County, Florida described herein in Exhibit "B"; and

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications facility after abandonment; and

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires an access easement for removal of the abandoned communication facility not complying with Section 6.08.12 (N) (time periods for removal of an abandoned telecommunication 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 "A" attached hereto (Easement Area 1) for ingress and egress to the telecommunications facility only and a non-exclusive easement over the lands of Grantor described on Exhibit "B" attached hereto (Easement Area 2) for the purpose of removing the telecommunications facility in accordance with and subject to the requirements of Section 6.08.12(N) of the Zoning Ordinance if said telecommunications facility is in violation of Section 6.08.12 (N) of the Zoning Ordinance.

The Grantor warrants to the Grantee that it has good and indefeasible fee simple title to Easement Area 1 and Easement Area 2 and the authority to enter into this Temporary Grant of Easement.

This Temporary Grant of Easement shall terminate automatically upon removal of the telecommunications facility from the JEA/Switzerland Sub-Station site, whether removed by the 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 telecommunication facility has been removed and that the Temporary Grant of Easement has terminated.

Grantor, reserves the right at its expense to relocate Easement Area 1 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 Temporary Grant of Easement executed by Grantor and Grantee herein.

This Temporary Grant of Easement shall run with the land and be binding upon and inure to the benefit of the Grantor, Grantee and their respective successors and assigns.

IN WITNESS WHEREOF, the undersigned have signed and sealed this instrument.

Attest:

GRANTOR

JEA

Cathy L. Barnwell
Print Name: Cathy L. Barnwell
Title: Process Support Assoc.

By: Donald L. Burch, Jr.
Print Name: Donald L. Burch, Jr.
Title: Director, Real Estate

STATE OF FLORIDA
COUNTY OF DUVAL

The forgoing instrument was acknowledged before me this 2nd day of August 2002, by Donald L. Burch, Jr. and Cathy L. Barnwell the Director, Real Estate and Process Support Associate respectively, of JEA, a body politic and corporate, on behalf of JEA. They are personally known to me.

David Steinau
Notary Public, State of Florida

DAVID STEINAU
Notary Public, State of Florida
My comm. expires Nov. 19, 2005
Comm. No. 00 073533

GRANTEE

St. Johns County

Witnesses:

Print Name: _____

Print Name: _____

By: _____

Print Name: _____

Title: _____

STATE OF FLORIDA
COUNTY OF ST JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____ 2002, by _____, as _____ of St. Johns County, a subdivision of the State of Florida, on behalf of the County. Such person: *(notary must check applicable box)*

- is personally known to me; or
- produced a current _____ driver's license as identification; or
- produced _____ as identification.

Notary Public, State of Florida

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FORM APPROVED


By: 
Office of General Counsel

Exhibit "A"

THAT PART OF THE "JACKSONVILLE ELECTRIC AUTHORITY" TRACT AS PER DESCRIPTIONS RECORDED IN OFFICIAL RECORD BOOK 878, PAGE 1148, OFFICIAL RECORD BOOK 895, PAGE 1414 AND OFFICIAL RECORD BOOK 880, PAGE 1304 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT A FOUND 4"X 4" CONCRETE MONUMENT (BROKEN - NO IDENTIFICATION) AT THE SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE N 89°34'59" E, ALONG THE SOUTH LINE OF SAID SECTION 9, FOR 738.25 FEET TO A FOUND 1/2" IRON PIPE WITH A (CITY OF JACKSONVILLE) CAP AT THE SOUTHWEST CORNER OF THE "JACKSONVILLE ELECTRIC AUTHORITY" TRACT AS PER DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 878, PAGE 1148 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, SAID POINT BEING S 89°28'44" W, A DISTANCE OF 580.17 FEET FROM A FOUND 1/2" IRON PIPE WITH A (CITY OF JACKSONVILLE) CAP AT THE SOUTHEAST CORNER OF SAID "JACKSONVILLE ELECTRIC AUTHORITY" TRACT; THENCE N 89°28'44" E, ALONG SAID SOUTH LINE, FOR 287.26 FEET; THENCE N 00°31'16" W, AT RIGHT ANGLES TO SAID SOUTH LINE, FOR 75.40 FEET; THENCE N 00°45'05" W FOR 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°45'05" W FOR 32.00 FEET; THENCE S 89°14'55" W FOR 37.00 FEET; THENCE S 00°45'05" E FOR 42.22 FEET; THENCE S 89°28'44" W FOR 353.65 FEET; THENCE S 68°30'18" W FOR 152.14 FEET; THENCE S 82°10'40" W FOR 158.75 FEET; THENCE S 89°34'59" W FOR 210.78 FEET; THENCE S 73°15'19" W FOR 151.37 FEET; THENCE S 89°25'56" W FOR 1745.40 FEET; THENCE S 83°04'44" W FOR 558.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ROBERTS ROAD (A 60 FOOT RIGHT OF WAY); THENCE N 08°25'38" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR 35.01 FEET; THENCE N 83°04'44" E FOR 560.85 FEET; THENCE N 89°25'56" E FOR 1742.27 FEET; THENCE N 73°15'19" E FOR 151.42 FEET; THENCE N 89°34'59" E FOR 213.58 FEET; THENCE N 82°18'40" E FOR 152.29 FEET; THENCE N 68°30'18" E FOR 154.38 FEET; THENCE N 89°28'44" E FOR 325.00 FEET; THENCE N 00°45'05" E FOR 21.08 FEET; THENCE N 89°14'55" E FOR 96.00 FEET; THENCE S 00°45'05" E FOR 46.00 FEET; THENCE S 89°14'55" W FOR 24.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 1.54 ACRES, MORE OR LESS.

Exhibit "B"

THAT PART OF THE "JACKSONVILLE ELECTRIC AUTHORITY" TRACT AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 878, PAGE 1148 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT A FOUND 4"X 4" CONCRETE MONUMENT (BROKEN - NO IDENTIFICATION) AT THE SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE N 89°34'59" E FOR 738.25 FEET TO A FOUND 1/2" IRON PIPE WITH A CITY OF JACKSONVILLE CAP AT THE SOUTHWEST CORNER OF THE "JACKSONVILLE ELECTRIC AUTHORITY" TRACT AS PER DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 878, PAGE 1148 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, SAID POINT BEING S 89°28'44" W, A DISTANCE OF 580.17 FEET FROM A FOUND 1/2" IRON PIPE WITH A "CITY OF JACKSONVILLE" CAP AT THE SOUTHEAST CORNER OF SAID "JACKSONVILLE ELECTRIC AUTHORITY" TRACT; THENCE N 89°28'44" E, ALONG THE SOUTH LINE OF SAID "JACKSONVILLE ELECTRIC AUTHORITY" TRACT FOR 287.26 FEET; THENCE N 00°31'16" W, AT RIGHT ANGLES TO SAID SOUTH LINE, FOR 75.40 FEET TO THE POINT OF BEGINNING; THENCE N 00°45'05" W FOR 10.00 FEET; THENCE N 89°14'55" E FOR 24.00 FEET; THENCE S 00°45'05" E FOR 10.00 FEET; THENCE S 89°14'55" W FOR 24.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 240 SQUARE FEET, MORE OR LESS.



See Page 1033

Subject