

RESOLUTION NO. 2002- 202

**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE
EXECUTION OF A LICENSE TO BELLSOUTH
TELECOMMUNICATIONS, INC.
FOR THE BENEFIT OF THE NORTHWEST ANNEX
IN JULINGTON CREEK PUD**

WHEREAS, BellSouth Telecommunications, Inc. ("BellSouth") provides telecommunications services to persons located within, and outside St. Johns County ("County"); and

WHEREAS, BellSouth is required to provide telecommunications services to the Northwest Annex in Julington Creek PUD – Parcel 74; and

WHEREAS, in order to provide such telecommunications services, BellSouth seeks to construct, and maintain telecommunications facilities on property that is owned by the County; and

WHEREAS, in order to construct, and maintain telecommunications facilities on property that is owned by the County, BellSouth must seek a grant of License from the County; and

WHEREAS, in granting a License to BellSouth for the purpose of providing telecommunications services to persons located within, and outside the County, the County will also benefit the Northwest Annex in Julington Creek PUD; and

WHEREAS, a copy of the License between BellSouth, and the County is attached hereto, and incorporated herein, as Exhibit "A".

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 Board of County Commissioners hereby authorizes the License in the form attached hereto, and authorizes the County Administrator to execute such License, on behalf of the County.

Section 3. The Clerk of the Circuit Court is instructed to file the original License and mail executed copies of this Resolution and License to TrueVance Communications, 3633 Andrew Jackson Drive, Pace, FL 32571, Attn: Linda Jones.

PASSED AND ADOPTED this 15th day of October, 2002.

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

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

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Grande
Deputy Clerk

RENDITION DATE 10-03-02

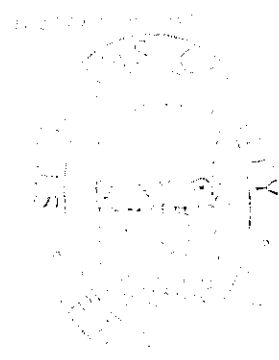


Exhibit A to Resolution

LICENSE

For and in consideration of Ten dollars (\$10.00) and other good and valuable consideration, this adequacy and receipt of which is hereby acknowledge, **ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, does hereby grant to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, its licensees, contractors, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, a License to construct, operate, maintain, add, and/or remove such systems of communications, facilities, or related services as the Grantee may from time to time require upon, over, and under the following lands located in St. Johns County, Florida Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said real property which is legally described as follows and is hereinafter referred to as the Licensed Property:

SEE ATTACHED EXHIBIT "A"

The following rights are also granted with regard to the Licensed Property: the right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said License and Licensed Property for communications or electric power transmission or distribution; ingress to and egress from said License and Licensed Property at all times; the right, but not the obligation, to clear the License and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the License which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said Licensed Property to conform to any future highway relocation, widening, or improvements or any requirements of the Grantee.

To have and to hold the above granted License unto BellSouth Telecommunications, Inc., its licensees, agents, successors, assigns, and allied and associated companies forever and

in perpetuity subject to the provisions hereof. This License shall become irrevocable upon commencement of installation by Grantee of communications systems or facilities on the Licensed Property and it shall remain irrevocable so long as telecommunications service is provided by such systems or facilities or such systems or facilities are being installed by the Grantee. No other person or entity shall be granted an interest in the Licensed Property or another license which supersedes this License. Any interest granted in the Licensed Property or other license granted by Grantor after the date of this License shall be exercised only in a manner that does not conflict with, restrict or adversely affect Grantee's use of the License granted herein.

The License is binding and is enforceable against and on the Licensed Property, the Grantor and its successors and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the ____ day of _____, 2002.

“GRANTOR”

Signed, sealed, and delivered
In the presence of:

ST. JOHNS COUNTY, FLORIDA, A
POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA

Witness

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

Witness

State of Florida
County of St. Johns

I HEREBY CERTIFY that Ben W. Adams, Jr., as County Administrator of St. Johns County, Florida, a Political Subdivision of the State of Florida, personally appeared before me and acknowledged that he/she was the same. The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by Ben W. Adams who is personally known to me.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 2002.

Notary Public
Print Name: _____

Grantor's Address:

4020 Lewis Speedway
St. Augustine FL 32084

Grantee's Address:

BellSouth Telecommunications, Inc.

Exhibit "A"

A part of Section 33, Township 4 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows: for a Point of Reference, commence at the Southeast corner of Lake Tract C2, Parkes of Julington Creek Plantation Phase One, as Recorded in Map Book 28, Pages 98 through 101 of the Public Records of said County, said point lying on a northerly right-of-way line of Race Track Road (A 200.00 foot right-of-way as now established); thence south 76 degrees 22 minutes 54 seconds east along said northerly Right-of-Way line, a distance of 3932.50 feet to the southwest corner of those lands as described in Official Records Book 1048 page 1357 of said public records; thence north 00 degrees 00 minutes 00 seconds west along the westerly line of said lands; a distance of 478.48 feet to a point of the southerly line of those lands as described in Official Records Book 698, Page 1707 of said public records; thence north 90 degrees 00 minutes 00 seconds east along said southerly line and its easterly prolongation, a distance of 441.92 feet; thence north 14 degrees 52 minutes 32 seconds east, a distance of 367.13 feet to a point on the easterly right-of-way line of Flora Branch Boulevard (A variable right-of-way as now established) and a point on a curve, concave westerly, having a radius of 220.00 feet; thence southeasterly along said right-of-way line and along the arc of said curve, an arc distance of 161.20 feet; said arc being subtended by a chord bearing of north 37 degrees 56 minutes 25 seconds west and a chord distance of 157.62 feet to the point of tangency of said curve; thence south 16 degrees 56 minutes 57 seconds east, continuing along said right-of-way line, a distance of 182.21 feet to the point of curve of a curve, concave southwesterly, having a radius of 2093.03 feet; thence southeasterly along said right-of-way line and along the arc of said curve, an arc distance of 56.10 feet, said arc being subtended by a chord bearing of south 16 degrees 10 minutes 54 seconds east and a chord distance of 56.10 feet to the point of beginning; thence departing said right-of-way line, south 90 degrees 00 minutes 00 seconds east, a distance of 20.00 feet; thence north 00 degrees 00 minutes 00 seconds east, a distance of 10.00 feet; thence south 90 degrees 00 minutes 00 seconds east, a distance of 20.00 feet; thence south 00 degrees 00 minutes 00 seconds west, a distance of 20.00 feet; thence north 90 degrees 00 minutes 00 seconds west, a distance of 37.27 feet to a point on the easterly right-of-way line of aforesaid Flora Branch Boulevard and a point on a curve, concave southwesterly, having a radius of 2093.03 feet; thence northwesterly along said right-of-way line and along the arc of said curve, an arc distance of 10.37 feet, said arc being subtended by a chord bearing of north 15 degrees 16 minutes 19 seconds west and a chord distance of 10.37 feet to the point of beginning.

*Incorrect legal for license.
Yanette provided corrected decript.*

Exhibit "A"

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1868

Public Records of
St. Johns County, FL
Clerk# 02-067916
O.R. 1849 PG 1247
09:32AM 11/19/2002
REC \$17.00 SUR \$2.50

LICENSE

For and in consideration of Ten dollars (\$10.00) and other good and valuable consideration, this adequacy and receipt of which is hereby acknowledge, **ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, does hereby grant to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, its licensees, contractors, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, a License to construct, operate, maintain, add, and/or remove such systems of communications, facilities, or related services as the Grantee may from time to time require upon, over, and under the following lands located in St. Johns County, Florida Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said real property which is legally described as follows and is hereinafter referred to as the Licensed Property:

SEE ATTACHED EXHIBIT "A"

The following rights are also granted with regard to the Licensed Property: the right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said License and Licensed Property for communications or electric power transmission or distribution; ingress to and egress from said License and Licensed Property at all times; the right, but not the obligation, to clear the License and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the License which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said Licensed Property to conform to any future highway relocation, widening, or improvements or any requirements of the Grantee.

To have and to hold the above granted License unto BellSouth Telecommunications, Inc., its licensees, agents, successors, assigns, and allied and associated companies forever and

W. Let - P. Dequade
BCC Secty

in perpetuity subject to the provisions hereof. This License shall become irrevocable upon commencement of installation by Grantee of communications systems or facilities on the Licensed Property and it shall remain irrevocable so long as telecommunications service is provided by such systems or facilities or such systems or facilities are being installed by the Grantee. No other person or entity shall be granted an interest in the Licensed Property or another license which supersedes this License. Any interest granted in the Licensed Property or other license granted by Grantor after the date of this License shall be exercised only in a manner that does not conflict with, restrict or adversely affect Grantee's use of the License granted herein.

The License is binding and is enforceable against and on the Licensed Property, the Grantor and its successors and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 8th day of October 2002.

"GRANTOR"

Signed, sealed, and delivered
In the presence of:

Laura S. Taylor
Witness

ST. JOHNS COUNTY, FLORIDA, A
POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA

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

Witness

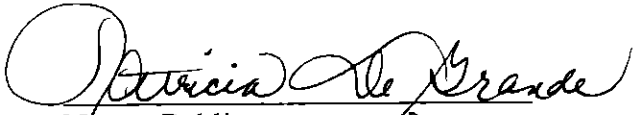


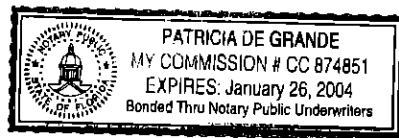
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State of Florida
County of St. Johns

I HEREBY CERTIFY that Ben W. Adams, Jr., as County Administrator of St. Johns County, Florida, a Political Subdivision of the State of Florida, personally appeared before me and acknowledged that he/she was the same. The foregoing instrument was acknowledged before me this 8th day of October, 2002, by Ben W. Adams who is personally known to me.

Witness my hand and official seal in the County and State last aforesaid this 8th day of October, 2002.


Notary Public
Print Name: Patricia De Grande



Grantor's Address:

4020 Lewis Speedway
St. Augustine FL 32084

Grantee's Address:

BellSouth Telecommunications, Inc.
c/o True Vance Communications
3633 Andrew Jackson Drive
Pace FL 32571
Attn: Linda Jones

WYNGATE FOREST

20.00 FOOT BY 30.00 FOOT BELLSOUTH EASEMENT

A PART OF LOT 25 AS SHOWN ON THE PLAT OF A.B. CAMPBELL'S SUBDIVISION OF TIGER HOLE PLANTATION, AS RECORDED IN PLAT BOOK AQ, PAGES 260 AND 261 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN THE FRANCES RICHARD GRANT, SECTION 56, TOWNSHIP 3 SOUTH, RANGE 27 EAST OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF LOT 26 OF SAID A.B. CAMPBELL'S SUBDIVISION OF TIGER HOLE PLANTATION; THENCE SOUTH $89^{\circ}05'14''$ WEST, ALONG THE SOUTH LINE OF SAID LOT 26, A DISTANCE OF 660.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH $01^{\circ}01'59''$ WEST, ALONG THE WEST LINE OF SAID LOT 26, A DISTANCE OF 259.09 FEET TO A POINT ON A CURVE IN THE EASTERLY RIGHT-OF-WAY LINE OF BELFORD ROAD (A RIGHT-OF-WAY OF VARYING WIDTH), SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1954.39 FEET; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 136.01 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH $09^{\circ}17'24''$ EAST AND A CHORD DISTANCE OF 135.98 FEET TO THE POINT OF REVERSE CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 55.00 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 78.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH $48^{\circ}24'01''$ EAST AND A CHORD DISTANCE OF 72.32 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF TOUCHTON ROAD (AN 80.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH $89^{\circ}30'14''$ EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1355.32 FEET; THENCE SOUTH $00^{\circ}29'46''$ EAST, LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.26 FEET TO A POINT ON THE SOUTH LINE OF TRACT "B" OF WYNGATE FOREST, A PROPOSED SUBDIVISION; THENCE SOUTH $89^{\circ}30'14''$ WEST ALONG SAID SOUTH LINE, A DISTANCE OF 132.28 FEET TO A POINT ON THE PROPOSED NORTHEASTERLY RIGHT-OF-WAY LINE OF WARIN DRIVE NORTH (A 50.00 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PROPOSED PLAT), SAID POINT LYING ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 105.00 FEET; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 26.54 FEET; SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH $19^{\circ}41'21''$ WEST AND A CHORD DISTANCE OF 26.47 FEET TO A POINT ON SAID CURVE; THENCE NORTH $89^{\circ}30'14''$ EAST LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 8.31 FEET TO THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}29'46''$ WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH $89^{\circ}30'14''$ EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH $00^{\circ}29'46''$ EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH $89^{\circ}30'14''$ WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 600 SQUARE FEET, MORE OR LESS