

RESOLUTION NO. 2003- 144

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR ACCESS TO AND MAINTENANCE OF AN EXISTING OUTFALL DITCH LOCATED ON THE VILLAGES OF VILANO HOMEOWNERS' COMMON AREA.

WHEREAS, the Villages of Vilano Homeowners' Association, Inc., a Florida not-for-profit corporation, has executed and presented to the County a Grant of Easement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the easement will allow the County to make improvements to an existing outfall ditch in connection with the North Beach Drainage Improvements Project; and

WHEREAS, it is in the best interest of the County to accept this easement for purposes mentioned above and for the health, safety and welfare of the citizens of St. Johns County.

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 Grant of Easement attached and incorporated hereto, is hereby accepted and the Chairman of the Board is hereby authorized to join in the execution of said easement.

Section 3. The Clerk of the Circuit Court is instructed to record the original Grant of Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 12th day of August, 2003.

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

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

ATTEST: Cheryl Strickland, Clerk

Patricia A. Grande
Deputy Clerk

RENDITION DATE 8-19-03

Exhibit "A" to Resolution

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 23 day of July, 2003, between VILLAGES OF VILANO HOMEOWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, whose address is 3655 Coastal Highway, St. Augustine, Florida 32084, hereinafter called Grantor, and ST. JOHNS COUNTY, FLORIDA, political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the Grantee.

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 of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and perpetual easement with the right, privilege, and authority to said Grantee, its successors and assigns, the right to restore an out fall ditch to original permit condition as to depth and shape together with the right to use equipment within the ditch to restore banks that have eroded and remove silt from the bottom and replacement of sandbags or sand for stabilization as needed per permit BMP (Best Management Practice) on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

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

TOGETHER with the rights of ingress and egress over and across the roadways within the Villages of Vilano. Grantee is authorized to unload equipment in proximity to subject ditch. Equipment is to be operated only from the ditch and at no time is equipment to operate from the roads or any other land of Grantor's other than that described in Exhibit "A". Should damage be sustained to Grantor's roads or road shoulders during transit or unloading of equipment Grantee agrees to repair same to original condition within a reasonable period of time, but no longer that sixty (60) days.

GRANTEE hereby agrees as follows:

1. There will be no more than two inflows into the drainage ditch from outside Villages of Vilano property and that inflows will not be increased from the size shown on the approved easement drawings.
2. There will be no metal tracked vehicles on Villages of Vilano property. Only "turf friendly" rubber tires will be used.

- 3. Villages of Vilano Master Association President shall be notified 48 hours in advance of the appearance of any St. Johns County personnel on site for initial construction and for each period maintenance.
- 4. There will be no swinging gates in the fence.
- 5. The fence will not be relocated.
- 6. Should there be any negative consequences or negative outcomes resulting from execution of the Wahoo Drainage Improvements project number 9904-19 as outlined in this document, they will be corrected by St. Johns County in a timely manner. This would include, but is not limited to failures in design, engineering, construction, execution or materials.

GRANTEE hereby estimates the maintenance requirements for said ditch to be every two years or under special circumstance every 6 months more or less.

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

Signed and Sealed in Our Presence as Witnesses:

VILLAGES OF VILANO HOMEOWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation


Edna R Griffith
Douglas B Condon
 Print Name: Edna R Griffith

Nicole Attelbury
 Print Name: Nicole Attelbury

By: *Douglas B Condon*
 Its: President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 29 day of July, 2003, by Douglas B Condon as President of Villages of Vilano Homeowners' Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or has produced C545-162-49-020-0 as identification.



Deborah Povla
My Commission DD080527
Expires December 25, 2006

Deborah Povla
 Notary Public
 My Commission expires: 12-5-05

ST. JOHNS COUNTY, FLORIDA

Signed and Sealed in Our
Presence as Witnesses:

By: _____
James E. Bryant, Chairman

Print Name: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this
____ day of _____, 2003, 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: _____

Exhibit "A"

Tract "K", VILLAGES OF VILANO, UNIT III, as recorded in Map Book 26, pages 62 through 65, of the public records of St. Johns County, Florida.

Also:

A strip of land 25 feet in width and 269.82 feet in length, more or less, being part of Section 32, Township 6 South, Range 30 East, St. Johns County, Florida, and lying within the Marina at Villages of Vilano, a Condominium, as recorded in Official Records Book 1154, page 1679, of the public records of St. Johns County, Florida, bounded on the North and South by the Westerly prolongation of the North and South boundary lines of Tract "K" as shown on the plat of Villages of Vilano recorded in Map Book 26, pages 62 through 65, of said public records, on the East by the East line of the Marina at Villages of Vilano and on the West by the waters of the North River (Intracoastal Waterway).