

RESOLUTION NO. 2003- 170

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR SEWER SERVICE TO MEADOWS AT ST. JOHNS UNIT THREE (a/k/a Phase Three) SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE SEWER SYSTEM.

RECITALS

WHEREAS, Grand Meadows, L.L.C., has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for sewer service to Meadows at St. Johns Unit Three (a/k/a Phase Three) Subdivision; and

WHEREAS, the Bill of Sale conveying all personal property associated with the sewer system has also been executed and is attached hereto as Exhibit "B", the Utility Appraisal Report value page is included as Exhibit "C", incorporated by reference and made a part hereof. Upon the passage of this Resolution, the Complete Appraisal Report will be submitted to the St. Johns County Finance Division to comply with the Government Accounting Standards Board 34 Finance Rule; and

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

WHEREAS, it is in the best interest of the County to accept this Easement for the health, safety and welfare of the citizens in that area.

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 Easement for Utilities attached and incorporated hereto, is hereby accepted.

Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 9th day of September, 2003.

**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 9-12-03



Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 30 day of JUNE 2003, by Grand Meadows L.L.C., with an address of 1914 Art Museum Drive, Jacksonville, Florida 32207, hereinafter called "Grantor" to ST. JOHNS COUNTY FLORIDA, a political subdivision of the State of Florida, whose address is c/o Clerk of Courts, P.O. Drawer 349, St. Augustine, Florida 32085, hereinafter called "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, Grantor does hereby agree as follows:

1. Grantor does hereby bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground sanitary sewer system and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground sewer utility service (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress on and over the Easement Areas necessary for the use and enjoyment of the easement herein granted. This easement is for a sanitary sewer lines only and does not convey any right to install other utilities such as cable television service lines.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record, including but not limited to those set forth on Exhibit "B" attached hereto;

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Sewer Lines and Associated Appurtenances will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocating the underground sewer-utility lines and facilities located within the Easement Area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.

(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. The Grantee shall maintain all sewer mains and other elements of the sewer distribution system.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other surface improvements or structures. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. Nothing in this section shall, however, relieve Grantee of liability for damage caused to improvements by Grantee's negligence.

4. This Grant of Easement shall insure to the benefit of and be binding upon Grantee and its successors and assigns.

5. For the purpose of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

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

Signed, Sealed and Delivered in the Presence of:

[Signature]
(Print Name) KEVIN L. TROUP

[Signature]
By: Managing Member

[Signature]
(Print Name) NICK BEINART

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 30 day of JUNE, 2003, by WILLIAM T. RYBURN as President of GRAND MEADOWS, LLC on behalf of the MANAGING MEMBER

[Signature]
(Print Name) _____

Charles D. Raley Jr
NOTARY PUBLIC
State of Florida at large
Commission # _____
My Commission Expires: _____
My Commission CC935709
Expires May 11, 2004

Personally Known
Or produced I.D. _____
(check one of the above)

Type of Identification Produced

EXHIBIT A to Easement
EASEMENT AREA

The Easement Area granted by this document shall include all project roads and drives all areas designated "utility easement areas," all within the plat of Meadows at St. Johns Unit Three recorded in Map Book 46, pages 53 through 61 of St. Johns County, Florida. The Easement Area shall not include the driveways to individual homes except for the part of such driveways within the areas designated "utility easement areas."

EXHIBIT B to Easement

No existing covenants, restrictions, easements, liens or encumbrances exist on the property at present.

**BILL OF SALE
(Absolute)**

STATE OF FLORIDA)
COUNTY OF DUVAL)

Grand Meadows, LLC, 1914 Art Museum Drive, Jacksonville, Florida 32207 ("Seller"), in consideration of the sum of One Dollar (\$1.00) and other valuable consideration received from the St. Johns County Utility Authority ("Buyer"), hereby on this 20th day of June, 2003, Sells the Personal Property described hereafter:

Water and sewer system within the subdivision right-of-way and easements of The Meadows at St. Johns Unit III (as now existing), and

Further, warrants that the property is free of all encumbrances, that good title to and right to sell that property is vested in the Sellers, and that the Sellers will defend the title against the lawful claims of all person.

Witness:


Grand Meadows, LLC ("Seller")

Kevin L. Troup
Print Name: KEVIN L. TROUP

William T. Pyburn, III
By: William T. Pyburn, III
Its: Assistant Managing Member

Neil Brenart
Print Name: NEIL BRENNART

Sworn to and subscribed before me this 23 day of June, 2003, by _____ He [CHECK ONE] is personally known to me or has produced a valid driver's license as identification.

Charles D. Raley Jr.
Print Name: _____
Notary Public, State of Florida  My Commission CC935709 Expires May 11, 2004
My Commission expires: _____

Schedule "A" to Bill of Sale

florida roads, a div of baker const corp
 schedule of values (SJCUD)
 job: meadows @ st. johns, ph. 3
 job#: 02-40-020
 date: 6-16-03
 owner: grand meadows, llc

desc.	quan.	unit	cost	total	total
sewer collection system					
type a manholes	24	ea	2,410.00	57,840.00	
junction manholes	3	ls	4,900.00	14,700.00	
type b junction manholes	1	ea	8,415.00	8,415.00	
8 pvc dr26 main	3218	lf	43.00	138,374.00	
8 pvc dr35 main	4472	lf	35.00	156,520.00	
6 pvc dr35 svc	225	ea	522.00	117,450.00	
tv inspection	1	ls	10,016.00	10,016.00	
asbuilts sewer	1	ls	5,670.00	5,670.00	
			sub total	508,985.00	508,985.00
water dist system					
10 pvc dr25 pipe, fittings	2040	lf	24.60	50,184.00	
8 pvc dr25 "	5760	lf	15.50	89,280.00	
4 pvc dr25 "	180	lf	10.00	1,800.00	
2 pvc dr21 "	200	lf	7.00	1,400.00	
10 dip cl51 "	40	lf	43.60	1,744.00	
8 dip cl51 "	40	lf	35.50	1,420.00	
10 gate valve&box	4	ea	1,100.00	4,400.00	
8 gate valve&box	8	ea	800.00	6,400.00	
4 gate valve&box	1	ea	400.00	400.00	
fire hydrant, valve&box	14	ea	2,450.00	34,300.00	
flushing hydrant	1	ea	550.00	550.00	
3/4 water service w/boxes	226	ea	360.00	81,360.00	
testing	1	ls	2,118.00	2,118.00	
asblts wtr	1	ls	6,700.00	6,700.00	
			sub total	282,056.00	282,056.00
total				791,041.00	791,041.00

CRENSHAW • WILLIAMS APPRAISAL COMPANY
REAL ESTATE APPRAISERS - CONSULTANTS
5150 BELFORT ROAD SOUTH, BUILDING 600, SUITE B
JACKSONVILLE, FLORIDA 32256

ROBERT D. CRENSHAW, MAI
President
Florida State-Certified General Appraiser 0000709
Georgia State-Certified General Appraiser CG002546

J. Mark Williams
Vice President
Florida State-Certified General
Appraiser 0001501

Deborah L. Cervi, SRA
Florida State-Certified General
Appraiser 0001522

June 30, 2003

Mr. Neil Beinart
The Towers Group
1914 Art Museum Drive
Jacksonville, Florida 32207

Re: Appraisal of the Utility Easement (Meadows of St. Johns Phase III containing a gross area of 6,600 square feet of land within the Meadows St. Johns Subdivision in the Northwest Planning District of St. Johns County, St. Augustine, Florida.

Dear Mr. Beinart:

As requested, I have prepared a limited restricted appraisal of a 30-foot utility easement located between lots 396, 342 and 397 and 341 off Ardmore Street within the Meadows St. Johns Subdivision.

The subject property is a utility easement containing 6,600 square feet of land. It is dedicated as an easement area for water and sewer utility services within the Subdivision and is considered to be entirely usable. The subject property is located in the existing Phase 3 area of The Meadows, west of Pacetti Road and south of CR 16, in the Northwest Planning District of St. Johns County, in St. Augustine, Florida.

The value is for a non-exclusive permanent easement and right of way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground water distribution system and sewer collection system, including lift stations and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer collection system, over and upon the real property containing 6,600 square feet acres together with rights of ingress and egress on and over the easement.

This appraisal has been prepared in conformance with the Uniform Standards of Professional Appraisal Practice ("USPAP") adopted by the Appraisal Standards Board of the Appraisal Foundation.

This appraisal was not rendered on the basis of a requested minimum valuation, specific valuation, or an amount, which would result in the approval of a loan.

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June 30, 2003

Subject to the definition of market value as set forth in this report, as well as the General Assumptions and Limiting Conditions, it is our opinion the value of the easement as of June 30, 2003 is as follows:

Value of the 6,600 square foot Utility Easement \$600.00

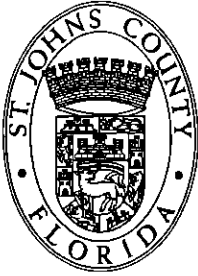
Thank you for the opportunity to have been of service to you in this matter.

Respectfully submitted,

Crenshaw • Williams Appraisal Company




Robert D. Crenshaw, MAI
State-Certified General Real
Estate Appraiser No. RZ709



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: Nanette Bradbury, Real Estate Coordinator
FROM: Herbert A. Van Der Mark 
Construction Manager of Utilities
SUBJECT: "Easement for Utilities" Meadows at St. Johns Unit Three
DATE: August 15, 2003

Please find attached the executed Easement For Utilities and Bill of Sale documents, for the above mentioned subject development.

Also enclosed, are the schedule of utility construction values and utility easement appraisal report. These easements are for sewer collection lines which were installed in accordance with the St. Johns County manual of Water and Wastewater Design Standards/Specifications and approved by the Florida Department of Environmental Protection for services. The attached documents have been reviewed and approved by the St. Johns County Utility Department.

Please present the easement documents to the Board of County Commissioners for final approval and acceptance.

After acceptance by BCC, please provide the utility department with a copy of the Executed Resolution and a recorded copy of the Easement for Utilities and Bill of Sale for our files.

Your support and cooperation as always are greatly appreciated.