

RESOLUTION NO. 2003 179

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A GRANT OF DRAINAGE AND ACCESS EASEMENT WHICH IS NEEDED TO CONSTRUCT A PORTION OF THE JOINT DETENTION AND RETENTION FACILITY THAT WILL PROVIDE STORM WATER TREATMENT FOR THE A1A BEACH BLVD. THREE-LANE TRANSPORTATION PROJECT.

RECITALS

WHEREAS, as part of the Capital Improvement Program, St. Johns County owns, and is improving, a public right-of-way known as A1A Beach Blvd., a County road; and

WHEREAS, in order to make these desired Road improvements, St. Johns County ("**County**") will need to provide for the treatment of waters discharged from the Road; and

WHEREAS, the Board has adopted and recorded Resolution No. 2002-135 in the Official Records Book 1802, page 1410, St. Johns County Records, which secured an Agreement that existing ponds be improved and interconnected creating a Pond System which will serve surrounding property and the project as a joint storm water detention and retention facility; and

WHEREAS, in order to construct the southerly-most outfall drainage structure of the joint retention\detention facility, the County requires a Drainage and Access Easement be granted over a portion of the Sea Winds Association of St. Augustine Beach Inc. ("**Sea Winds**") to St. Johns County, more particularly described in the Grant of Drainage and Access Easement attached hereto as **Exhibit "A"**, incorporated by reference and made a part hereof.

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 Grant of Drainage and Access Easement conveyed from the Sea Winds to the County in the form attached hereto is hereby accepted and the County Administrator

is authorized to execute the document. The Clerk is instructed to record the Grant of Drainage and Access Easement in the Public Records of St. Johns County, Florida.

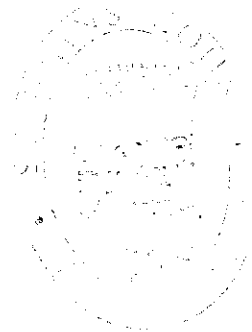
PASSED AND ADOPTED, this 23 day of September, 2003

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

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

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Strickland
Deputy Clerk



GRANT OF DRAINAGE AND ACCESS EASEMENT

THIS INDENTURE, made this _____ day of _____, 2003, by and between **SEA WINDS CONDOMINIUM ASSOCIATION OF ST. AUGUSTINE BEACH INC.** ("**Sea Winds**"), a Florida Corporation, whose address is 890 A1A Beach Blvd, St. Augustine, Florida 32080, Grantor and **ST. JOHNS COUNTY** ("**County**"), a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway St. Augustine, Florida 32084, Grantee.

RECITALS

WHEREAS, Grantor owns certain lands in St. Johns County which abut A1A Beach Road; and

WHEREAS, Grantee desires to install and maintain underground drainage pipe across the northwesterly-most portion of Grantor's land; and

WHEREAS, this structure acts as the southerly most outfall pipe for a joint retention/detention facility that provides storm water treatment for surrounding properties and the A1A Beach Blvd. Three Lane Transportation project.

NOW THEREFORE, the Grantor, for and in consideration of the sum of Ten and No/100 Dollars and other good and valuable consideration 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 easement for the purpose of installing using, maintaining and repairing an outfall structure on, over and across the following described lands. The lands this easement comprises are depicted and more particularly described in **Exhibit "A"** attached hereto:

a. For the purpose of providing drainage outfall for all storm water which may enter the outfall structure from the joint retention/detention facility located on the Ocean and Racquet Club Condominium Association property to the north.

b. Ingress and Egress on the lands more particularly described in **Exhibit "A"** attached hereto.

c. For the purpose of performing all activities necessary for the proper installation and maintenance of the outfall structure including the restoration of the premises to a pre-construction condition.

GRANTOR hereby covenants with **GRANTEE** that it is lawfully seized of this land in fee simple and that it has good right and legal authority to sell and convey the described interest in land.

GRANTOR hereby reserves the right and privilege to use the above-described easement for all purposes except as might interfere with the Grantee's use as described.

TOGETHER, with the right of said Grantee, its successors and assigns, of ingress and egress to and over said above described premises, and for doing anything necessary or useful which may be required for the enjoyment of the rights herein granted.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered
in the presence of:

Grantor:

Print Name: _____

**SEA WIND CONDOMINIUM ASSOCIATION
INC.**

Print Name: _____

BY: _____
Its: Board Member, William Mallon, President

BY: _____
Its: Board Member, Karen Peak

BY: _____
Its: Board Member, Steve Feldman

BY: _____
Its: Board Member, Larry Brown

BY: _____
Its: Board Member, Marilyn Fleckenstein

Accepted on behalf of
St. Johns County, a political subdivision of the State of Florida

County Administrator

STATE OF FLORIDA
COUNTY OF ST JOHNS

The foregoing instrument was acknowledged before me this ___ day of _____
2003, by _____, as _____ of Sea Winds
Condominium Association Inc., a Florida corporation, on behalf of the corporation.
_____ is personally known to me or produced a _____
for identification.

Notary Public
State of Florida
My commission Number _____
My commission expires _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ___ day of _____,
2003 by _____, as _____ of St. Johns County, a
political subdivision of the State of Florida. On behalf of this political subdivision, who
is personally known or who has produced _____ as identification.

Notary Public
My commission expires:
State of Florida, County of St. Johns
My commission number _____

Exhibit "A" (to Grant)
LEGAL DESCRIPTION OF GRANT OF DRAINAGE AND ACCESS EASEMENT
OVER PROPERTY OWNED BY PREMIER PROPERTIES REALTY GROUP INC.

The northerly 10 feet of the westerly 130 feet of the southerly 320 feet of government Lot 5, Section 3, Township 8 South, Range 30 East, St. Johns County, Florida lying East of the Right-of-Way for State Road A1A (formerly State Road No. 140).

**Exhibit "A" (to Grant cont.)
Depiction of Easement Area
(Sea Winds to County)**

