

A RESOLUTION BY 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 IN NORTH BEACH SUBDIVISION.

RECITALS

WHEREAS, the St. Johns County Land Development Land Code, Section 6.08.12, requires the dismantling and removal of telecommunications towers after abandonment; and

WHEREAS, Section 6.08.12 (N) of the Zoning Ordinance 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.

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 Chairman of the Board is hereby authorized to execute the Temporary Access Easement.

Section 3. The Clerk is instructed to record the original Temporary Access Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Cheryl Strickland, Clerk
By: Patricia Alexander
Deputy Clerk

RENDITION DATE 02-18-03

TEMPORARY ACCESS EASEMENT

This Temporary Access Easement, made this _____ day of _____, 2002, by Frank D. Usina, as President of North Beach Investments, Inc., having an address of 4125 Coastal Highway, St. Augustine, Fl., 32095 ("Grantor"), to ST. JOHNS COUNTY FLORIDA, a political subdivision of the State of Florida, P.O. Drawer 349, St. Augustine, Florida 32085-0349 ("Grantee").

WITNESSETH:

WHEREAS, Grantor, as Optionor, has entered into that Option and Ground Lease Agreement dated _____, 2001 (the "Lease") with Powertel/Jacksonville Inc., a Delaware corporation, ("Optionee") regarding a parcel of land located at St. Augustine, County of St. Johns, State of Florida, more particularly described on **Exhibit A** attached hereto (the "Leased Premises");

WHEREAS, the lease contemplates the construction by Optionee of a telecommunications tower (the "Tower") on the Leased Premises;

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

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 the Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grants to Grantee, its successors and assigns, an easement over the lands or Grantor more particularly described on **Exhibit B** hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Tower if the Tower is in violation of Section 6.08.12 (N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Leased Premises and to remove the Tower there from in accordance with and subject to the requirements 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 the above described land and the authority to enter into this Easement.

This easement shall terminate automatically upon removal of the Tower from the Leased Premises, whether removed by the Lessee, Grantor or Grantee. At the request of Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee should fail to execute such a document within (30) days of Grantor's request,

Grantor may record an affidavit certifying that the Tower has been removed and that this Easement has terminated.

Grantor reserves the right as its expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantor's property, provided that the relocated easement shall provide to Grantor substantially the same ingress and egress rights herein granted. Any such relocated easement shall be evidenced by an amendment to the Easement executed by Grantor and Grantee.

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

Signed, sealed and delivered
in the presence of:

GRANTOR:

Gail Squires
Name: Gail Squires

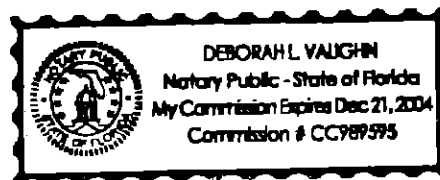
By: Frank D. Usina
Print Name: Frank D. Usina

Barbara Wilson
Name: Barbara Wilson

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 12th day of April 2001, by Frank D. Usina, an individual, who is either () personally known to me or () has produced a Florida Drivers License as identification.

Deborah L. Vaughn
Notary Public, State of Florida
Print Name: Deborah L. Vaughn
My Commission Expires: Dec 21, 2001



GRANTEE:

ST. JOHNS COUNTY, FLORIDA
A political subdivision of the State of Florida

Name: _____

By: _____

Print Name: _____

Name: _____

Title: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____ 2001, by _____, the _____ of St. Johns County, Florida, a political subdivision of the State of Florida, on behalf of the County. He/she is personally known to me or produced _____ identification.

Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

EXHIBIT "A"

PROPOSED LEASE PARCEL:

A PARCEL OF LAND LYING IN NORTH BEACH AVENUE, SAID PARCEL BEING A PORTION OF THOSE LANDS CLOSED BY RESOLUTION RECORDED IN OFFICIAL RECORDS VOLUME 284, PAGE 238, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 39, NORTH BEACH SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 28, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 00°02'38" EAST, A DISTANCE OF 11.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 81°41'39" WEST, A DISTANCE OF 16.63 FEET; THENCE NORTH 01°09'24" EAST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 88°50'36" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 01°09'24" WEST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 81°41'39" WEST, A DISTANCE OF 44.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,100 SQUARE FEET MORE OR LESS.

" EXHIBIT B "

30' NON-EXCLUSIVE INGRESS/EGRESS & UTILITY EASEMENT:

A PARCEL OF LAND LYING IN NORTH BEACH AVENUE, SAID PARCEL BEING A PORTION OF THOSE LANDS CLOSED BY RESOLUTION RECORDED IN OFFICIAL RECORDS VOLUME 284, PAGE 284, OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 39, NORTH BEACH SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 28, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 00°02'38" EAST, A DISTANCE OF 11.30 FEET; THENCE NORTH 81°41'39" EAST, A DISTANCE OF 44.20 FEET; THENCE NORTH 01°09'24" EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH 88°50'36" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE NORTH 88°50'36" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 00°08'12" EAST, A DISTANCE OF 36.14 FEET; THENCE SOUTH 89°51'48" EAST, A DISTANCE OF 1095.53 FEET; THENCE SOUTH 00°02'38" WEST, A DISTANCE OF 33.25 FEET; THENCE SOUTH 89°56'09" EAST, A DISTANCE OF 37.67 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD No. A-1-A; THENCE SOUTH 07°28'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 50.42 FEET; THENCE NORTH 89°56'09" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF BLOCK 42 OF SAID NORTH BEACH SUBDIVISION, A DISTANCE OF 72.40 FEET; THENCE NORTH 00°02'38" EAST, DEPARTING SAID NORTH LINE, A DISTANCE OF 53.30 FEET; THENCE NORTH 89°51'48" WEST, A DISTANCE OF 1024.32 FEET; THENCE SOUTH 00°08'12" WEST, A DISTANCE OF 6.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 36,978 SQUARE FEET MORE OR LESS.

