

RESOLUTION NO. 2003- 87

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO THE WEST END OF TRADEWINDS LANE EXTENSION.

WHEREAS, Steve Chapman, 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 water and sewer service to the existing west end of Trade Winds Lane Extension; and

WHEREAS, the easement area includes an existing water main that was installed and has been maintained by the St. Johns County Utility Department for the past 20 years. A 4-inch sewer force main extension is proposed to be installed within this Easement. This will provide Central Utility sewer service for several existing homes that are on older septic systems in an environmentally sensitive area; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the document mentioned above, as stated in a memo attached hereto as Exhibit "B", 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 in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 6th day of May, 2003.

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

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

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande
Deputy Clerk

RENDITION DATE 5-7-03



Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 3rd day of MARCH, 2003 by STEVE CHAPMAN, with an address of 425 TRADE WINDS LANE ST. AUGUSTINE FL. 320 80, hereinafter called "Grantor" to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine FL 32084, hereinafter called "Grantee".

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor agrees as follows:

1. Grantor does hereby grant, 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 water distribution system and sewer collection system, (including lift stations if applicable) and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water sewer utility services (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 Area as necessary for the use and enjoyment of the easement herein granted. This easement is for water and sewer utility services 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.

(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 Utility Lines and Associated Equipment 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 water and 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. Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals. The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service

laterals. Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility 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 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 inure to the benefit of and be binding of and be binding upon Grantee and its successors and assigns.

5. For the purposes 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 seals to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered
In the presence of:

Thomas J. Stuebler
Witness

ST THOMAS J STUEBLER
Print Name

RL Hardy
Witness

RL Hardy
Print Name

[Signature]
Stephen R. Chapman

State of Florida
County of St John

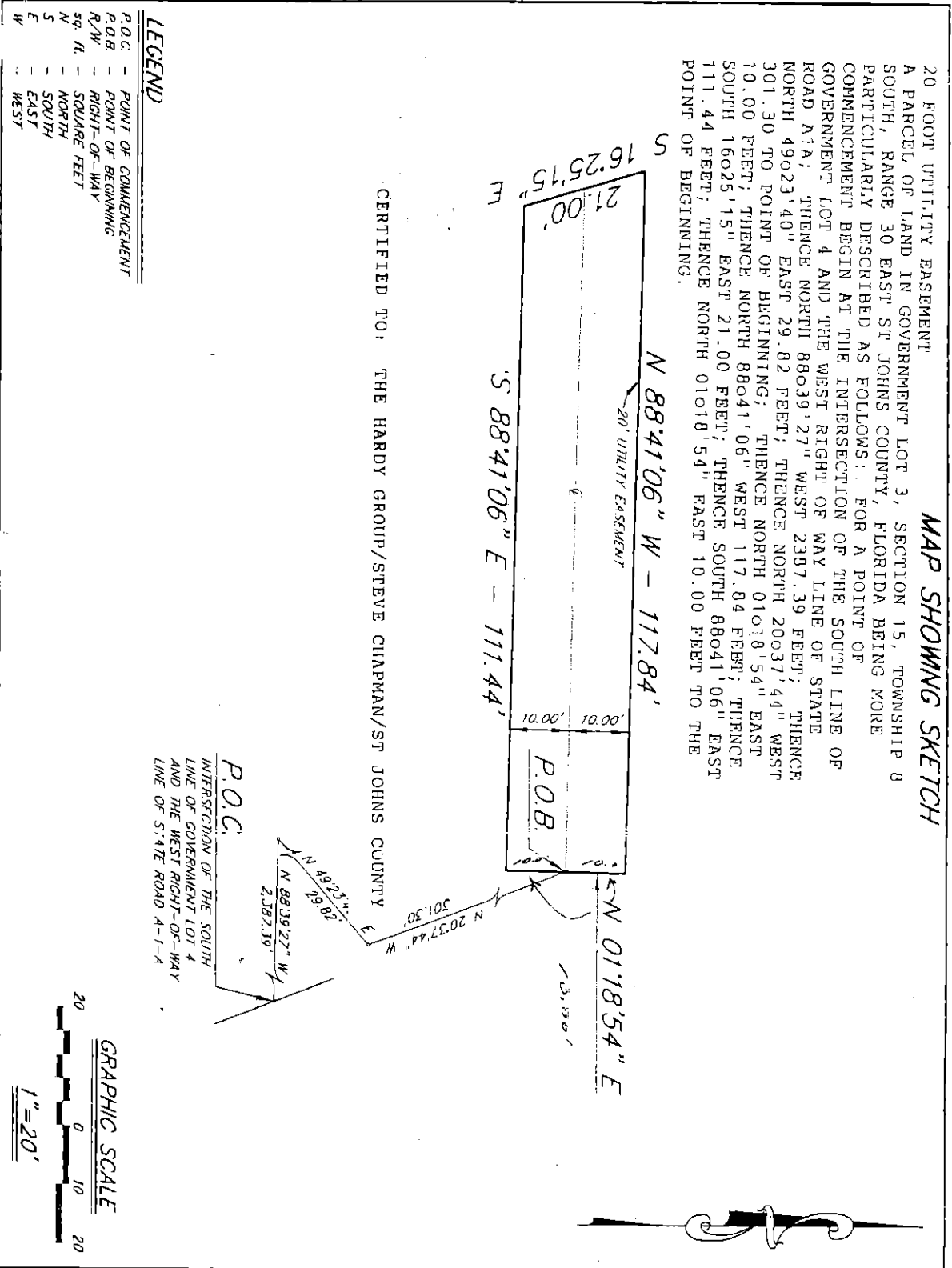
The foregoing instrument was acknowledged before me this
6 day of March, 2003, by Stephen Chapman
who is personally known to me or has
produced _____ as identification.

[Signature]
Notary Public

JOHN O'NEIL
Notary Public, State of Florida
My comm. exp. June 28, 2004
Comm. No. CC950487

Exhibit "A" to Easement

02/26/03 03-0684.DWG 12.50 CA02



MAP SHOWING SKETCH

20 FOOT UTILITY EASEMENT
 A PARCEL OF LAND IN GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 30 EAST ST JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF COMMENCEMENT BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF GOVERNMENT LOT 4 AND THE WEST RIGHT OF WAY LINE OF STATE ROAD A1A; THENCE NORTH 88°39'27" WEST 2307.39 FEET; THENCE NORTH 49°23'40" EAST 29.82 FEET; THENCE NORTH 20037'44" WEST 301.30 TO POINT OF BEGINNING; THENCE NORTH 01°18'54" EAST 10.00 FEET; THENCE NORTH 88°41'06" WEST 117.84 FEET; THENCE SOUTH 16°25'15" EAST 21.00 FEET; THENCE SOUTH 88°41'06" EAST 111.44 FEET; THENCE NORTH 01°18'54" EAST 10.00 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO: THE HARDY GROUP/STEVE CHAPMAN/ST JOHNS COUNTY

P.O.C.
 INTERSECTION OF THE SOUTH LINE OF GOVERNMENT LOT 4 AND THE WEST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A

- LEGEND**
- P.O.C. — POINT OF COMMENCEMENT
 - P.O.B. — POINT OF BEGINNING
 - R/W — RIGHT-OF-WAY
 - SQ. FT. — SQUARE FEET
 - N — NORTH
 - S — SOUTH
 - E — EAST
 - W — WEST



GENERAL NOTES:

- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Deed or plot measurements are noted if different.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time that survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- The specific rights implied by this survey are not transferable.
- The measurements for this survey were made in accordance with the United States Standards.
- For building setbacks call the appropriate county codes enforcement office.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor, nothing hereon shall or intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- This survey is certified to the last filed date.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTES

- According to the Federal Emergency Management Agency (FEMA) Map No. 225747-0226 E effective date 7-25-92, the property described hereon appears to lie in Zone A7 (P)

Base of bearing structure:
 NORTH 88°39'27" WEST

- Basis of elevations: N/A

JOB NO.	LAST FIELD DATE	SCALE	F.B./PAGE	CHK. BY	DWG. BY
03-0684	02/28/03	1"=20'	LL	B.J.C.	S.A.F.

TYPE: SKETCH

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 FOR DEVINO AND ASSOCIATES, L.P. #6072



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 *HAV*
Construction Manager of Utilities

SUBJECT: **Easement for Utilities and Appraisal for the existing West End of Trade Winds Lane Extension.**

DATE: April 14, 2003

Please find attached "Easement For Utilities", appraisal report and map of survey. These documents have been reviewed by Utility Department staff and found acceptable.

The easement covers an existing water main that is maintained by the St. Johns County Utility Department and was installed in excess of 20 years ago. A 4-inch sewer force main extension is also proposed to be installed within this easement. This will allow Central Utility sewer service for several existing homes that are on older septic systems in an environmentally sensitive area.

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