

This Resolution was Rescinded by Res. 2004-245

RESOLUTION NO. 2004-169

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO BELLES CHASE SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM.

RECITALS

WHEREAS, Matthew Braly, President of Belles Chase Homeowners Association, 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 service to Belles Chase Subdivision; and

WHEREAS, Belles Chase Homeowners Association has also executed and presented the Bill of Sale conveying all personal property associated with the water system and is attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the Easement for Utilities and the Bill of Sale, as stated in a memo attached hereto as Exhibit "C", incorporated by reference and made a part hereof. The water mains were installed in accordance with the St. Johns County Manual of Water and Wastewater Design Standards/Specification and approved by the Florida Department of Environmental Protection; 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 of the County.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

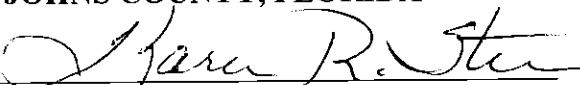
Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The above described Easement for Utilities is hereby accepted by the Board of County Commissioners.

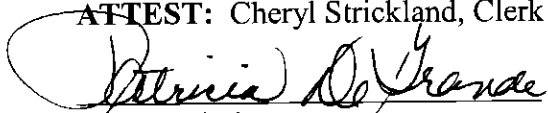
Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 25th day of May, 2004.

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

By: 
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk


Deputy Clerk

RENDITION DATE 05/27/04

[Faint, illegible handwritten text]

FOR WATER ONLY

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 26 day of February 2004, by Matthew Braly of Belles Chase HOA with an address of 18 A St., St. Augustine Beach, FL 32080, hereinafter called "Grantor," to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is c/o Clerk of Court, Po Drawer 345, 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 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 all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water 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 Area as necessary for the use and enjoyment of the easement herein granted. This easement is for water 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, 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 Water 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 water 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 Grantor shall retain ownership of the gravity sewer lines, sewer force mains and lift station, including the operation and maintenance of the entire system.

3. 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.

4. 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 ~~similar~~ 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.

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

6. 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 seal to be hereunto affixed as of the day and year first above written.

Signed, Sealed and
Delivered in the
presence of:

Ercilla P. McFee
(Print Name) Ercilla P McFee

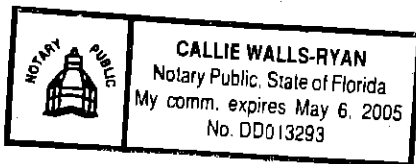
Mary Motley
(Print Name) Mary Motley

Matthew C. Brady
By: Matthew Brady

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 26 day of February, 2004 by Matthew Brady as President of Belles Chase Subdivision, on behalf of the HOA

Callie Walls-Ryan
(Print Name) Callie Walls-Ryan



NOTARY PUBLIC
State of Florida at Large
Commission #
My Commission Expires:

Personally known
or produced I.D. _____
[check one of the above]

Type of Identification Produced

EXHIBIT A
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 *Belles Chase* *Subdivision*, recorded in Map Book 47, pages 47 through 49 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."

BILL OF SALE

UTILITY IMPROVEMENTS
FOR BELLES CHASE S/D

Belles Chase Homeowners Assn., located in St. Johns County, Florida (the "District") for and in consideration of the sum of Ten and no/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to St. Johns County, Florida, a political subdivision of the State of Florida, the following personal property:

The personal property, fixtures and equipment comprising the potable water distribution system (the improvements) for improvement within the project of Belles Chase Subdivision recorded in Map Book 47, pages 47-49 of St. Johns County, Florida. Said personal property, fixtures and equipment being more particularly described on the attached As Builts.

The District does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is the lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good right to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the District has caused this instrument to be duly executed and delivered by its duly authorized officer on this 26 day of Feb, 2004.

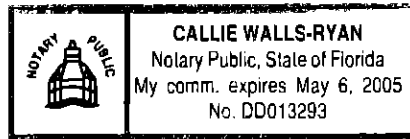
BELLES CHASE SUBDIVISION

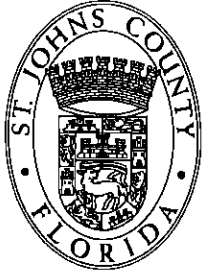
Matthew C. Braly
Matthew C. Braly

STATE OF FL
COUNTY OF St Johns

The foregoing instrument was acknowledged, before me this 26 day of February, 2004 by Matthew C Braly who is personally known to me or who has produced as identification and who did (did not) take an oath.

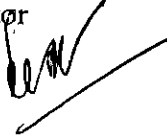
Callie Walls-Ryan
Notary Public





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" Belles Chase Subdivision
DATE: May 10, 2004

Please find attached the executed Easement For Utilities and Bill of Sale documents including the Real Property described on Exhibit A for the above mentioned subject development.

Also enclosed are the schedule of utility construction values. These easements are for the water mains that 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.