

RESOLUTION NO. 2004- 122

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A TERMINATION OF AN EASEMENT LOCATED ON ROSCOE BOULEVARD AND ACCEPTING A GRANT OF EASEMENT FOR INSTALLATION OF AN OUTFALL PIPE FROM ROSCOE BOULEVARD TO THE INTRACOASTAL WATERWAY**

**RECITALS**

**WHEREAS**, Bryan L. Collins, Road and Bridge Supervisor, has signed an affidavit, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, stating the existing 3' easements on Lots 61 and 62, East Coast Canal Unit 2 Subdivision, has never been maintained or used by the County and will need to be terminated by a Termination of Easement, attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

**WHEREAS**, the existing 3' easements are not large enough for the drainage in this area and require the 10' easement; and

**WHEREAS**, the County will be terminating the 3' easements and replacing the easements with a 10' easement, requiring the owner to pay for the materials and install the piping and St. Johns County Road and Bridge Department will provide elevations and do the final inspection; and

**WHEREAS**, the owner has executed and presented to the County a 10' easement to replace the 3' easements needed for the installation of an outfall pipe from Roscoe Boulevard to the intracoastal waterway, attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

**WHEREAS**, acceptance of terminating the existence easements and accepting the new easement will better serve the health, safety and welfare of the citizens in this area.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, Florida, as follows:

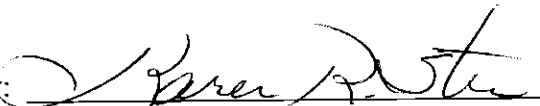
**Section 1.** The above Recitals are incorporated by reference into the body of this Resolution and such Recitals are adopted as findings of fact.

**Section 2.** The Termination of an Easement as noted in Exhibit "B", and Grant of Easement as noted in Exhibit "C" are hereby accepted in the form attached hereto.

**Section 3.** The Clerk is instructed to record the original Termination of Easement and Grant of 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 8<sup>th</sup> day of June, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chairman

ATTEST: Cheryl Strickland, Clerk

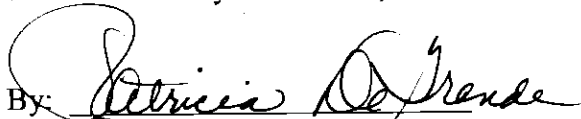
By:   
Deputy Clerk



EXHIBIT "A" TO RESOLUTION

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

On this day before me, the undersigned authority, personally appeared BRYAN L. COLLINS Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has never maintained or used the 3' easement on Lot 61 and 62 on Roscoe Blvd. South, in East Coast Canal Unit 2 Subdivision, recorded in Map Book 5, page 63, of the public records of St. Johns County, Florida.

FURTHER AFFIANTS SAYETH NAUGHT.

Bryan L. Collins 4/21/04

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2004, by Bryan L. Collins, Road and Bridge Supervisor, who is personally known to me.

Debbie Taylor  
Notary

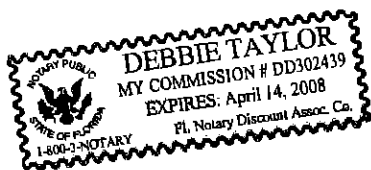


EXHIBIT "B" TO RESOLUTION

Prepared by:  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

**TERMINATION OF AN EASEMENT**

**THIS TERMINATION OF AN EASEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 2004, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called party of the first part and **HERBERT LEE UNDERWOOD, JR.**, whose address is 1699 South 14<sup>th</sup> Street, Fernandina Beach, Florida 32034, hereinafter called party of the second part.

**WHEREBY**, the party of the first part does hereby cancels and terminates that certain easement described in Deed Book 136, page 299, of the public records of St. Johns County, Florida, as to all the land situate, lying and being in St. Johns County, State of Florida and being more particularly described as follows:

Lots 61 and 62 East Coast Canal Estates, Unit 2, according to the plat thereof recorded in Map Book 5, page 63, of the public records of St. Johns County, Florida.

In consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged by the party of the first part St. Johns County, Florida, does hereby terminate that easement described above, effective this date. Nothing herein contained shall in anywise impair, alter or diminish the effect of the remaining part of such land in said easement or any rights of the party of the first thereof.

**IN WITNESS WHEREOF**, party of the first part has executed this Termination on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

ST. JOHNS COUNTY, FLORIDA

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Ben W. Adams, Jr.,  
County Administrator

\_\_\_\_\_  
Print Name \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2004, by Ben W. Adams the County Administrator of St. Johns County, on behalf of the County. He is personally known to me.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

EXHIBIT "C" TO RESOLUTION

Prepared by:  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 21<sup>st</sup> day of MAY, 2004 between HERBERT LEE UNDERWOOD, JR., a single man, whose address is 1699 S 14<sup>th</sup> Street, Fernandina Beach, Florida 32034, hereinafter called Grantor, and ST. JOHNS COUNTY, FLORIDA, political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the Grantee.

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and perpetual easement with the right, privilege, and authority to said Grantee, its successors and assigns, the right to construct, lay, maintain, improve, and/or repair either above or below the surface of the ground, drainage facilities, on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

South 10' of Lot 62, East Coast Canal Estates, Unit 2, according to the plat thereof recorded in Map Book 5, page 63, of the public records of St. Johns County, Florida.

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 or convenient, or removing at any time any and all of said improvements upon, over, under, or in said lands, together also with the right and easement, privileges, and appurtenances in and to said land which may be required for the enjoyment of rights herein granted.

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

Signed and Sealed in Our Presence as Witnesses:

*Mike Wallace*  
Print Witness MIKE WALLACE  
*Herbert Lee Underwood, Jr.*  
HERBERT LEE UNDERWOOD, JR.  
*Eric Klir*  
Print Witness ERIC KLIR

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of MAY, 2004, by Herbert Lee Underwood, Jr. He is personally known to me or have produced \_\_\_\_\_ as identification.

Notary Public  
My Commission expires: 8/28/2006

