

RESOLUTION NO. 2004- 141

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FOR TEMPORARY ACCESS AND USE DURING THE CONSTRUCTION OF A PUBLIC SIDEWALK WITHIN THE RIGHT-OF-WAY ALONG THE WEST SIDE OF LEWIS SPEEDWAY AND A GRANT OF EASEMENT FOR INSTALLATION AND FUTURE MAINTENANCE OF A CONCRETE CULVERT FOR DRAINAGE PURPOSES ALONG LEWIS SPEEDWAY.

RECITALS

WHEREAS, TWC Ninety-Six, Ltd., a Florida Limited Partnership, owner of Woodcrest Apartments along the west side of Lewis Speedway has executed and presented to the County a Temporary Construction Easement attached hereto, and incorporated herein as Exhibit "A", and a Grant of Easement, attached hereto, and incorporated herein as Exhibit "B"; and

WHEREAS, St. Johns County Engineering Department requested the Temporary Construction Easement for temporary access and use during the construction of the sidewalk which will be within the right-of-way on the west side of Lewis Speedway beginning at Old School House Road and ending at Avenue A. The Grant of Easement is needed for replacement and future maintenance of a concrete culvert that falls five feet onto the Grantor's property; and

WHEREAS, it is in the best interest of the public for the County to accept these Easements 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 Temporary Construction Easement and Grant of Easement are hereby accepted by the Board of County Commissioners of St. Johns County.

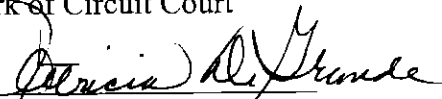
Section 3. The Clerk of Circuit Court is instructed to record the original Temporary Construction Easement and Grant of Easement in the Official Records of St. Johns County, Florida.

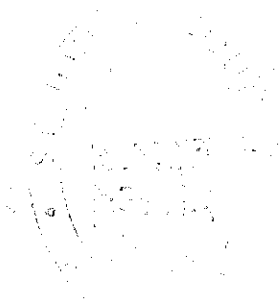
PASSED AND ADOPTED this 22nd day of June, 2004.

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

By: 
Karen R. Stern, Chair

ATTEST: Cheryl Strickland
Clerk of Circuit Court

By: 
Deputy Clerk



TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT made this 2nd day of June, 2004, by and between TWC NINETY-SIX, LTD, a Florida Limited Partnership whose address is 655 North Franklin St. Suite 2200, Tampa FL 33602, grantor and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, grantee.

WITNESSETH, that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the grantor hereby gives, grants, bargains and releases to the grantee, a Temporary Construction Easement to enter upon and use the grantor's property as described below for such purposes as a staging area for equipment and materials required for the sidewalk improvements and other uses as is reasonably necessary to enable the grantee to complete the Countywide Sidewalk project. This Easement is over the land in St. Johns County, Florida, described as follows:

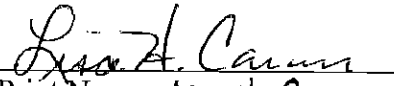
The east ten feet of the north 100 feet of the property described in Official Records Book 1205, Page 1812, of the Public Records of St. Johns County, Florida.

It is understood and agreed by the parties hereto that the rights granted herein shall automatically terminate one hundred fifty (150) days from the date of recording this instrument. Upon completion of the project the property shall be returned to a condition that is reflective of, or comparable to, the original condition by the Grantee at its sole cost. This provision shall survive termination of the duration of this Agreement.

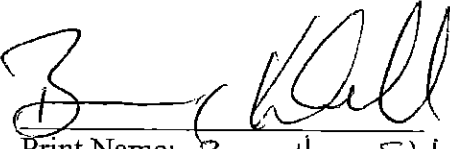
IN WITNESS WHEREOF, grantor has hereunto set hand and seal the day and year first above written.

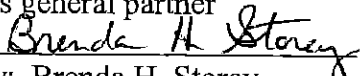
Signed, sealed and delivered in
Our presence as Witnesses:

TWC NINETY-SIX, LTD.
A Florida Limited Partnership


Print Name: Lisa H. Carver

By: TWC NINETY-SIX PRS, LTD.
It's general partner


Print Name: Barry Haverfield

By: TWC NINETY-SIX, INC.
It's general partner

By: Brenda H. Storey
Its: Chief Financial Officer

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 2nd day of June, 2004 by Brenda H. Storey of TWC NINETY-SIX, INC, its Chief Financial Officer who has produced _____ as identification or is personally known to me.

Pamela Lynn Montoya
Notary Public



Pamela Lynn Montoya
Commission #DD169570
Expires: Dec 03, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

Exhibit "B" to Resolution

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

GRANT OF EASEMENT

THIS INDENTURE, made this 2nd day of June, 2004, between **TWC NINETY-SIX, LTD.**, a Florida Limited Partnership, whose address is 655 North Franklin St., Suite 2200, Tampa FL 33602, hereinafter called Grantor, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called Grantee.

WITNESSETH: That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which hereby acknowledged, has granted, bargained, sold and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and perpetual easement for the sole purpose of the construction and maintenance of a concrete culvert for drainage purposes, 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, on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

The east five of the north one hundred feet of the property described in Official Records Book 1205, page 1812, 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.

Upon completion of the project the project and after any maintenance to the Easement area the property shall be returned to a condition that is reflective of, or comparable to, the original condition by the Grantee at its sole cost.

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

Signed and Sealed in Our
Presence as Witnesses:

Lisa A. Carver
Print Witness Name: Lisa A. Carver

Barry Haberfeld
Print Witness Name: Barry Haberfeld

TWC NINETY-SIX, LTD.
A Florida Limited Partnership

By: TWC NINETY-SIX PRYS, LTD.
It's general partner

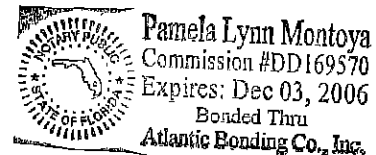
By: TWC NINETY-SIX, INC.
It's general partner

Brenda H. Storey
By: Brenda H. Storey
Its: Chief Financial Officer

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 2nd day of June, 2004,
by Brenda H. Storey, CFO. Who is/are personally known to me or ~~has produced~~
as identification.

Pamela Lynn Montoya
Notary Public
My Commission Expires: _____





**GENERAL
LOCATION MAP**



Map Prepared: 6/9/2004

*Depicts General Project Boundary

**Lewis Speedway
Sidewalk Project
Easement Area**

File:BCC June 22, 2004



St. Johns County
Public Works Dept.
Real Estate