

RESOLUTION NO. 2004- 158

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TERMINATION OF GRANT OF EASEMENT AND NEW GRANT OF EASEMENT FOR WATER AND SEWER SERVICE TO MARSHALL CREEK VILLAGE CENTER UNIT III SUBDIVISION.

RECITALS

WHEREAS, Marshall Creek, Ltd. has executed and presented a Termination of Grant of Easement and New Grant of Easement to St. Johns County for water and sewer service to Marshall Creek Village Center Unit III Subdivision, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the original Easement for Utilities was accepted by Resolution No. 2002-170 dated September 3, 2002 and is recorded in Official Records Book 1816 Page 124 of the public records of St. Johns County. The Easement is being terminated due to a portion of Marshall Creek DRI Village Center Tract C Unit 1 being re-platted as Marshall Creek Village Center Unit III for residential lots; and

WHEREAS, the utility lines are located within the new Easement area and the Easement area to be released is not required by the County for maintenance and operation of the utility lines; and .

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above as stated in a memo attached hereto as Exhibit "B", incorporated by reference and made a part hereof.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, 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 Grant of Easement and New Grant of Easement is hereby accepted by the Board of County Commissioners.

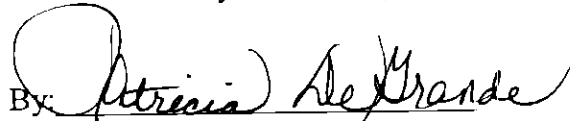
Section 3. The Clerk of the Court is instructed to record the original Termination of Grant of Easement and New Grant of Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 13th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

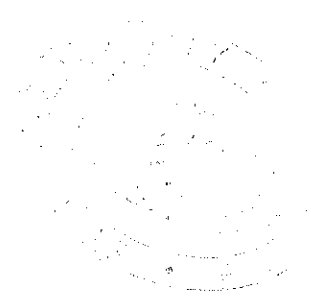


Exhibit "A" to Resolution

Prepared by and return to:

St. Johns County Real Estate Division
4020 Lewis Speedway
St. Augustine, Florida 32084

**TERMINATION OF GRANT OF EASEMENT
AND
NEW GRANT OF EASEMENT**

THIS INSTRUMENT is made this 4th day of June 9, 2004, by and between Marshall Creek Ltd., a Florida limited partnership ("**Grantor**"), whose address is 7502-B US Highway 1 North, St. Augustine, Florida 32095, and ST. JOHNS COUNTY, FLORIDA, a Political Subdivision of the State of Florida, successor to Anastasia Sanitary District ("**Grantee**"), whose address is 4020 Lewis Speedway, St. Augustine FL 32084.

WITNESSETH:

WHEREAS, **Grantor** granted an easement for a sewer and water line and access thereto, over and across the easement parcels contained in that certain Easement dated June 6, 2002, and recorded September 18, 2002, in Official Records Book 1816 page 124 of the public records of St. Johns County, Florida (the "Original Easement"); and

WHEREAS, **Grantor** and **Grantee** have agreed to terminate the Original Easement and substitute therefore and grant a new easement for the same purposes.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

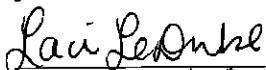
1. **Grantee** does hereby remise, release and forever terminate all easement rights granted over and across the portion of the land subject to the Original Easement as more particularly described on Exhibit "A" attached hereto and be reference made a part hereof (referred to herein as "Released Easement Property"), and said portion of the Original Easement over and across the Released Easement Property is terminated and shall be of no further force, effect or encumbrance on the Released Easement Property and the owner of all or any part of the Released Easement Property may occupy, transfer, encumber or convey the Released Easement Property free and clear of the terms and conditions of the Original Easement.


2. **Grantor** does hereby and by these presents assign, convey, remise, release and grant unto **Grantee** a new easement for a water and sewer line and access thereto for maintenance of the water and sewer line, over, under and across the parcel or parcels of real property described on "Exhibit B" attached hereto and by reference made a part hereof (the "New Easement Property"). The foregoing easement is a covenant running with the land and shall be binding upon the owners of the Easement Property, their successors and assigns.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed the day and year first above written.

GRANTOR:

Signed, sealed and delivered in the presence of:


Print Name: Laci Led Duke


Print Name: Sally Yost

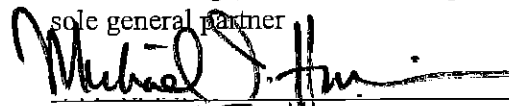
MARSHALL CREEK, LTD., a Florida limited partnership

By: HINES/MARSHALL CREEK, LTD., a Florida limited partnership, as its sole general partner

By: HINES MANAGEMENT, L.L.C., a Delaware limited liability company, as its sole general partner

By: Hines Interests Limited Partnership, a Delaware limited partnership, its sole member

By: Hines Holdings, Inc., a Texas corporation, as its sole general partner

By: 
Print: Michael T. Harrison
Its: Senior Vice President +
Address: 5 Ravinia Drive
Atlanta, GA 30346 MT

GRANTEE:

Signed, sealed and delivered
in the presence of:

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

Sign: _____
Print Name: _____

By: _____
Karen R. Stern
Its: Chair

Sign: _____
Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2004, by Karen R. Stern, the Chair of the Board of County Commissioners on its behalf, who is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires:

EXHIBIT "A"

[RELEASED EASEMENT PROPERTY]

TRACT C, AS SHOWN ON THE PLAT OF MARSHALL CREEK DRI
VILLAGE CENTER UNIT ONE RECORDED IN MAP BOOK 43,
PAGES 74 THROUGH 75 OF THE PUBLIC RECORDS OF ST. JOHNS
COUNTY, FLORIDA.

Exhibit "B" to Easement - New Easement area

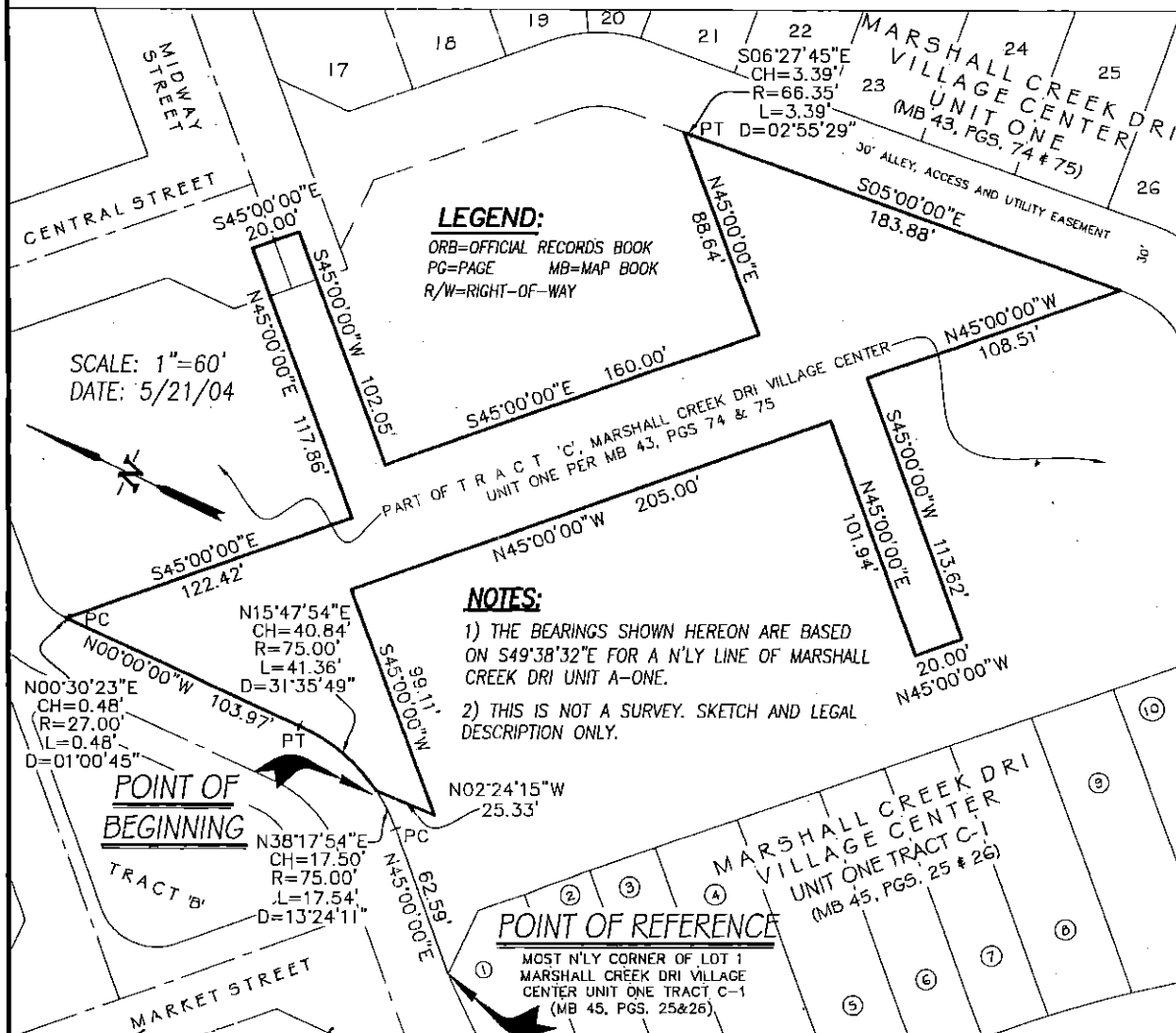
SKETCH TO FOLLOW LEGAL DESCRIPTION OF:

BEING A PORTION OF THE THERESA MARSHALL GRANT, SECTION 53, TOWNSHIP 5 SOUTH, RANGE 29 EAST, A PORTION OF TRACT "C" AND A PORTION OF MIDWAY STREET, MARSHALL CREEK DRI VILLAGE CENTER UNIT ONE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 43, PAGES 74 AND 75 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

A PORTION OF THE THERESA MARSHALL GRANT, SECTION 53, TOWNSHIP 5 SOUTH, RANGE 29 EAST, A PORTION OF TRACT "C" AND A PORTION OF MIDWAY STREET, MARSHALL CREEK DRI VILLAGE CENTER UNIT ONE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 43, PAGES 74 AND 75 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE MOST NORTHERLY CORNER OF LOT 1, MARSHALL CREEK DRI VILLAGE CENTER UNIT ONE TRACT C-1, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 45, PAGES 25 AND 26 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE THE FOLLOWING (2) COURSES ALONG THE NORTHERLY BOUNDARY OF AFOREMENTIONED TRACT "C": COURSE (1) - NORTH 45°00'00" EAST, 62.59 FEET TO A POINT OF CURVATURE; COURSE (2) - IN A NORTHEASTERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 38°17'54" EAST, 17.50 FEET TO THE POINT OF BEGINNING.

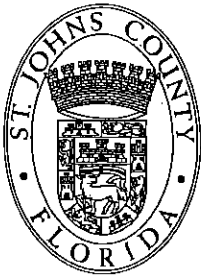
FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE THE FOLLOWING (3) COURSES CONTINUING ALONG AFOREMENTIONED TRACT "C": COURSE (1) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 15°47'54" EAST, 40.84 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE (2) - NORTH 00°00'00" WEST, 103.97 FEET TO A POINT OF CURVATURE; COURSE (3) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 27.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 00°30'23" EAST, 0.48 FEET; THENCE SOUTH 45°00'00" EAST, 122.42 FEET; THENCE NORTH 45°00'00" EAST, 117.86 FEET; THENCE SOUTH 45°00'00" EAST, 20.00 FEET; THENCE SOUTH 45°00'00" WEST, 102.05 FEET; THENCE SOUTH 45°00'00" EAST, 160.00 FEET; THENCE NORTH 45°00'00" EAST, 88.64 FEET TO THE WESTERLY LINE OF A 30-FOOT ALLEY, ACCESS AND UTILITY EASEMENT PER SAID PLAT OF MARSHALL CREEK DRI VILLAGE CENTER UNIT ONE; THENCE THE FOLLOWING (2) COURSES ALONG SAID WESTERLY EASEMENT LINE: COURSE (1) - IN A SOUTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 66.35 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 06°27'45" EAST, 3.39 FEET; COURSE (2) - SOUTH 05°00'00" EAST, 183.88 FEET; THENCE NORTH 45°00'00" WEST, 108.51 FEET; THENCE SOUTH 45°00'00" WEST, 113.62 FEET; THENCE NORTH 45°00'00" WEST, 20.00 FEET; THENCE NORTH 45°00'00" EAST, 101.94 FEET; THENCE NORTH 45°00'00" WEST, 205.00 FEET; THENCE SOUTH 45°00'00" WEST, 99.11 FEET; THENCE NORTH 02°24'15" WEST, 25.33 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 0.64 ACRES, MORE OR LESS.




John M. James
 JOHN M. JAMES
 REGISTERED SURVEYOR & MAPPER NO. 4774 FL.
 CHARLES R. LEE
 REGISTERED SURVEYOR & MAPPER NO. 5618 FL.

PRIVETT & ASSOC. OF FLORIDA, INC.
 SURVEYORS, MAPPERS AND LAND PLANNERS
 2732 TOWNSEND BOULEVARD
 JACKSONVILLE, FLORIDA, 32211
 (904) 743-7658 LB No.4622



ST. JOHNS COUNTY
UTILITY DEPARTMENT
2175 Mizell Road
P.O. Drawer 3006
St. Augustine, Florida 32085-3006

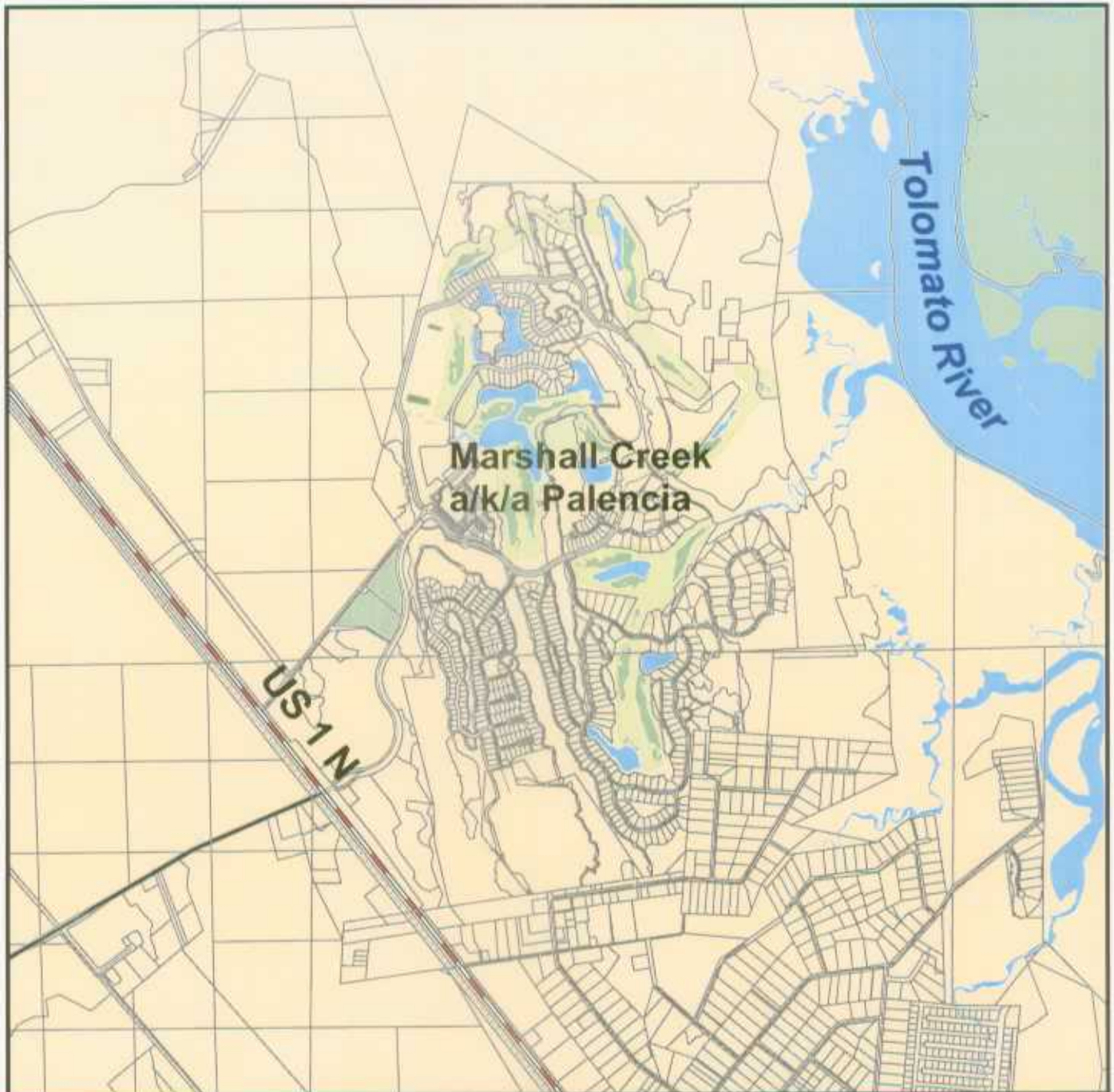
I N T E R O F F I C E M E M O R A N D U M

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Herbert A. Van Der Mark 
Construction Manager of Utilities
SUBJECT: Marshall Creek DRI, Unit 1, Tract C, Village Center
DATE: June 24, 2004

Please be informed that the Utility Department has reviewed and approved the Termination of Grant of Utility Easement and the new Grant of Utility Easement for the Marshall Creek DRI Village Center, Unit 1, Tract C.

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

Your support and cooperation as always are greatly appreciated.



**GENERAL
LOCATION MAP**



Map Prepared: 6/24/2004

*Depicts General Project Boundary

**Marshall Creek
Village Center
Replat**

File: BCC July 13, 2004



St. Johns County
Public Works Dept.
Real Estate