

RESOLUTION NO. 2004- 271

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO VILLA'S OF SAN MARCO APARTMENTS LOCATED OFF OLD MOULTRIE ROAD.

RECITALS

WHEREAS, G and G of St. Augustine, Inc., a Florida Corporation, has executed and presented to the County an Easement for water services, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; 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 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 in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 6th day of October, 2004.

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

By: Karen R. Stern
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

By: Patricia DeGrande
Deputy Clerk

RENDITION DATE 10-7-04

This instrument prepared by
and return when recorded to:
Sidney S. Simmons, II
Stoneburner Berry & Simmons, PA
841 Prudential Drive, Suite 1400
Jacksonville, Florida 32207

EASEMENT FOR UTILITIES

THIS EASEMENT, executed and given this ____ day of August, 2004, by **G. AND G. OF ST. AUGUSTINE, INC.**, a Florida corporation, with an address of 1715 Old Moultrie Road, St. Augustine, Florida 32084, hereinafter called "Grantor", to **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 for and 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, 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, 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 on 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.

A. Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy:

1. the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and
2. 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. 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.

C. 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 shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters but is not responsible for maintaining any water lines between the water meter and the improvements serviced 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 or structures. 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 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 as of the day and year first above written.

Signed, Sealed and Delivered
In the presence of:

Grantor:

G. AND G. OF ST. AUGUSTINE, INC.,
a Florida corporation

B.W. Fletcher Jr
Printed Name: B.W. Fletcher Jr

By: Philip B. Genovar
Philip B. Genovar
President

Printed Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was executed and acknowledged before me this ___ day of August, 2004, by Philip B. Genovar, as President of G. and G. of St. Augustine, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or did produce _____ as identification.

B.W. Fletcher Jr
Printed Name: _____
Notary Public, State of Florida
My Commission Expires: _____



B. W. Fletcher, Jr.
MY COMMISSION # DD064092 EXPIRES
October 10, 2005
BONDED THRU TROY FAIR INSURANCE, INC

EXHIBIT A

Additional Access and Utilities Easement Property

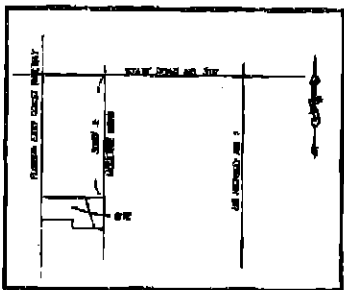
A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND IN SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 36 WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 5-A (A 66 FOOT RIGHT-OF-WAY); THENCE SOUTH $01^{\circ}08'26''$ EAST, A DISTANCE OF 81.07 FEET TO THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID RIGHT OF WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 32.00 FEET; THENCE SOUTH $87^{\circ}46'00''$ WEST DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 35.00 FEET; THENCE NORTH $43^{\circ}18'47''$ EAST, A DISTANCE OF 47.88 FEET TO THE POINT OF BEGINNING.

MAP SHOWING SKETCH AND DESCRIPTION OF

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND IN SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

SEE ATTACHED LEGAL DESCRIPTION

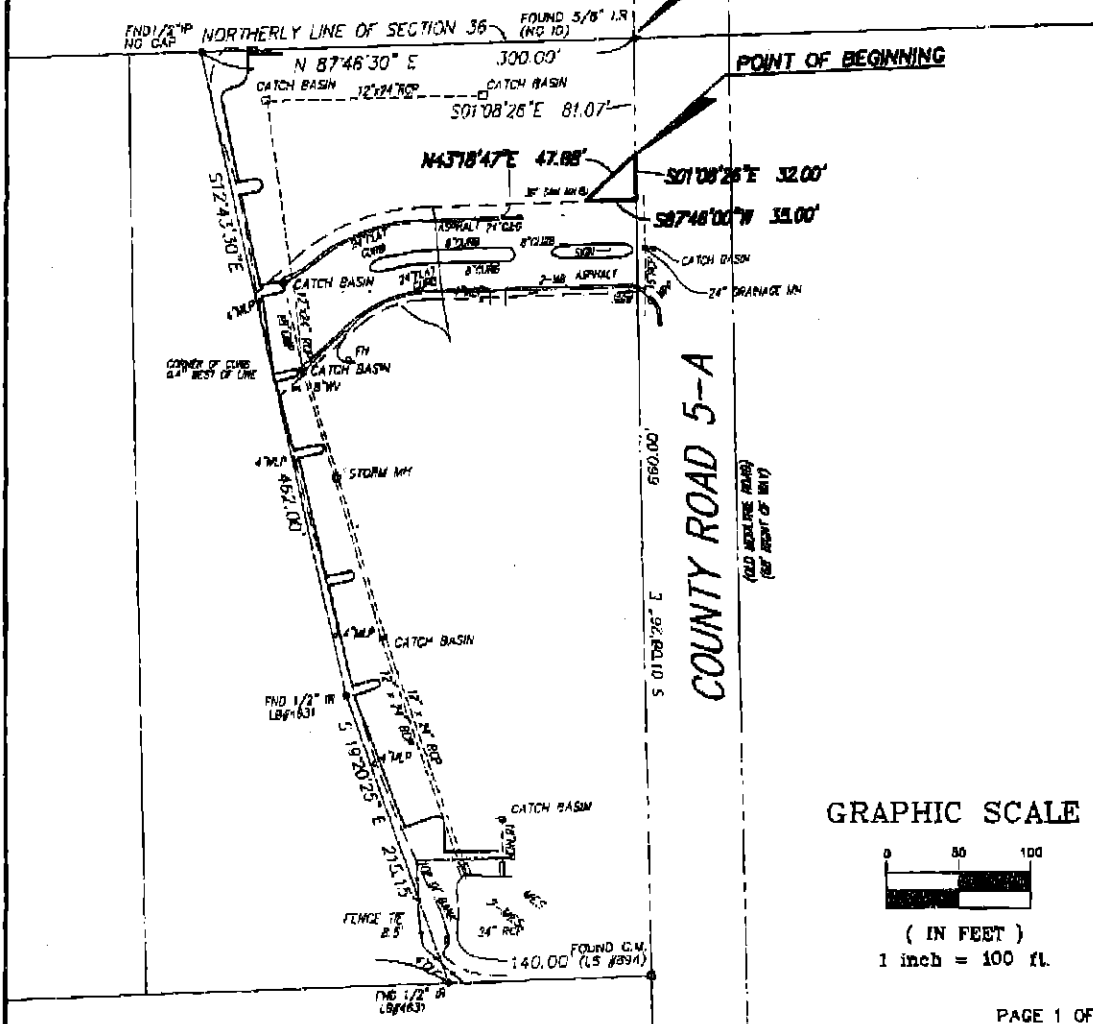


OFFICIAL RECORDS VOLUME
851, PAGE 113

POINT OF REFERENCE

THE INTERSECTION OF THE NORTH LINE OF SECTION 36 WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 5-A (A 60' RIGHT OF WAY)

POINT OF BEGINNING



PAGE 1 OF 2

CHARLES BASSETT & ASSOC., INC.

SURVEYORS - LAND PLANNERS LB#6628

200 CENTURY 21 DRIVE - JACKSONVILLE, FLORIDA - 32216 - PHONE (904) 724-9433

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION SURVEY, PERFORMED UNDER MY RESPONSIBLE DIRECTION, MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN ACCORDANCE WITH CHAPTER 61G17-A, F.L.A. ADMINISTRATIVE CODE (PURSUANT TO SECTION 478.07, FLORIDA STATUTES), AND FURTHER CERTIFY THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN ON THIS SURVEY.

SURVEYED AUGUST 3, 20 04 GIL HOWATT, REGISTERED LAND SURVEYOR FLA. NO. 4718

BEARING DATUM BASED ON THE NORTH LINE OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST, AS N. 87°46'30" E.

FLOOD ZONE "X" AS BEST ASCERTAINED FROM THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12109C 0377G DATED 9-03-03

FIELD BOOK NO. 755A PAGE 39-44 LEGAL N/A ORDER No. 02-01-21C

COMPUTER FILE: 020121A SCALE: 1" = 100' FILE No.: 5-5698-EAS

MAP SHOWING SKETCH AND DESCRIPTION OF

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND IN SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 36 WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 3-A (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 01°08'28" EAST, A DISTANCE OF 81.07 FEET TO THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID RIGHT OF WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 32.00 FEET; THENCE SOUTH 87°46'06" WEST DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 35.00 FEET; THENCE NORTH 43°18'47" EAST, A DISTANCE OF 47.89 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO: G. AND G. OF ST. AUGUSTINE, INC.
ST. JOHNS COUNTY, FLORIDA
VILLA SAN MARCO INVESTORS, LLC.

ABBREVIATION	DEFINITION
CLF	CHAIN LINK FENCE
DRAINAGE MH	DRAINAGE MANHOLE
FH	FIRE HYDRANT
FND	FOUND
MES	METERED END SECTION
NLP	METAL LIGHT POLE
RCP	REINFORCED CONCRETE PIPE
SO	SQUARE
WV	WATER VALVE
WM	WATER METER
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CM	CONCRETE MONUMENT
IP	IRON PIPE
IR	IRON ROD
SRV	OFFICIAL RECORDS VOLUME
WPP	WOOD POWER POLE
C&G	CLUB AND GUTTER

GENERAL NOTES

- 1) NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY HAVE BEEN PROVIDED. IT IS POSSIBLE THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES.
- 2) THIS SURVEY MAP DOES NOT REFLECT OWNERSHIP.
- 3) THE RELATIVE LINEAR DISTANCE ACCURACY FOR THIS SURVEY EXCEEDS 1:10,000.
- 4) ALL MEASUREMENTS ARE IN U.S. STANDARD FEET AND WERE MADE WITH A THEODOLITE AND ELECTRONIC DISTANCE MEASURING DEVICE AND/OR STEEL TAPE.
- 5) UNLESS OTHERWISE NOTED, RECORD AND MEASURED DIMENSIONS AGREE.
- 6) SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL.
- 7) THIS MAP DOES NOT PURPORT TO BE A BOUNDARY SURVEY.

PAGE 2 OF 2

CHARLES BASSETT & ASSOC., INC.

SURVEYORS - LAND PLANNERS LB#6828

200 CENTURY 21 DRIVE - JACKSONVILLE, FLORIDA - 32216 - PHONE (904) 724-9433

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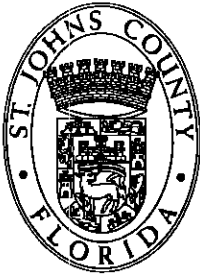
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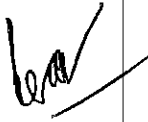
FIELD BOOK NO.: 755A PAGE: 39-44 LEGAL: N/A ORDER NO.: 02-01-21C

COMPUTER FILE: 020121A SCALE: 1" = 100' FILE NO.: S-5698-EAS



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: G and G of St. Augustine, Inc. (Barrington) Villa's of San Marco
DATE: August 31, 2004

Please be informed that the Utility Department has reviewed and approved the above subject Utility Easement for the water meter at the Barrington (Villa's of San Marco apartments) off Old Moultrie Road.

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.