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RESOLUTION NO. 2005- 1

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN IRREVOCABLE LICENSE TO FLORIDA POWER & LIGHT COMPANY TO INSTALL AN UNDERGROUND UTILITY LINE FOR CYPRESS LAKES PHASE 2A LOCATED ON CYPRESS LINKS BOULEVARD

WHEREAS, Florida Power & Light Company (hereinafter "FPL") has requested an easement in order to install, maintain and provide electrical power to Cypress Lakes Phase 2A located on Cypress Links Boulevard. In place of the requested easement, the County hereby grants FPL an Irrevocable("License") to use the requested property for such purpose. The property is described in Exhibit, "A", incorporated by reference and made a part hereof and shall hereinafter be described as "Licensed Premises"; and

WHEREAS, this License will, in part, allow FPL to install an electrical distribution line to provide electrical service to Cypress Lakes Phase 2A, located on Cypress Links Boulevard; and

WHEREAS, the FPL Tariff, Sheet No. 6.020, Paragraphs 2.8 and 2.9, requires that a customer desiring electric service must provide FPL with access and rights-of-way which in the opinion of FPL are necessary for the rendering of service to the customer and the County has authority to grant such rights, easements, permits and privileges and it is found that it is necessary for protection of the County and the public for the County to grant FPL a license to efficiently provide electrical service to Cypress Lakes Phase 2A, located on Cypress Links Boulevard and to satisfy the FPL Tariff requirements.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Johns County, Florida, that St. Johns County, the Licensor, hereby grants to FPL a non-exclusive irrevocable license to use the " Licensed Premises" for purposes mentioned above.

1. The above referenced recitals are found to be true and correct and are incorporated herein by reference.
2. The requested use of the License is granted subject to the following conditions and limitations:
 - a. The grant of this License shall in no way restrict the right and interest of the Licensor (County) in the use and maintenance of the

*Handwritten signature: P. Segraide
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"Licensed Premises" to the extent that such use does not interfere with the rights granted herein.

- b. The Licensee (FPL) and its agents shall have the duty to not create any obstructions or conditions of the public property or right-of-way adjoining the "Licensed Premises" which are or may become unreasonably dangerous to the public, County or its agents or employees.
 - c. **The Licensee (FPL) shall be liable for the personal injuries and damages to real or personal property that may result from its use of the "Licensed Premises" and shall defend, hold harmless and indemnify the Licensor, its officers, employees and agents for and from any damages, claims, liability or costs resulting from the exercise of the privileges granted.**
 - d. In the event of widening, repair or reconstruction of any County road right-of-way, the Licensor may cause the movement of FPL improvements in or on the Licensed Premises or the reasonable relocation of the Licensed Premises and FPL improvements thereon, at Licensor's cost.
 - e. The Licensee shall promptly repair any damage or injury to any County property by reason of the exercise of the privileges granted by this License including but not limited to repair of the road or highway, restoring such to a condition at least equal to that which existed prior to the infliction of such damage or injury.
3. To the extent that this Licensee is in compliance with the applicable St. Johns County Tree Ordinance, Licensee shall have the right to clear and keep the "Licensed Premises" clear of all trees, undergrowth or other obstructions and to trim and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs in the vicinity of the "Premises" on lands owned by the Licensor which might interfere with Licensee's use of the "Premises".
 4. The License shall run with the land and shall be binding on and shall inure to the benefits of the parties hereto, their successors or assigns in perpetuity so long as the electrical service is provided to County via the "Licensed Premises". Notwithstanding the foregoing, in the event the County desires to sell the subject property to a private landowner or to abandon, vacate or discontinue use of the subject property, the County or private purchaser, to the extent allowed by law, grant FPL an easement reasonably acceptable to FPL as a condition of and prior to or contemporaneous with any sale, abandonment, vacation or discontinuance

of the subject County property served by FPL using this License and which will continue to be served by FPL.

5. This License is not intended to confer any rights not specifically stated herein or not required by the FPL Tariff.
6. This License shall be deemed as coupled with an interest once FPL has made substantial expenditures to provide the electrical service to Cypress Lakes Phase 2A, located on Cypress Links Boulevard. As such this License is an Irrevocable License except as provided by its terms shall include the right of the County to terminate this License if the Licensee does not correct any of its violation of the provisions hereof within a reasonable time after reasonable notice.
7. The Clerk is instructed to record this Resolution in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 12th day of January, 2005,
by the Board of County Commissioners of St. Johns County, Florida

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

By: _____

Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

RENDITION DATE 01/14/05

By: _____

Deputy Clerk

FLORIDA POWER AND LIGHT COMPANY

By: _____

Title: _____

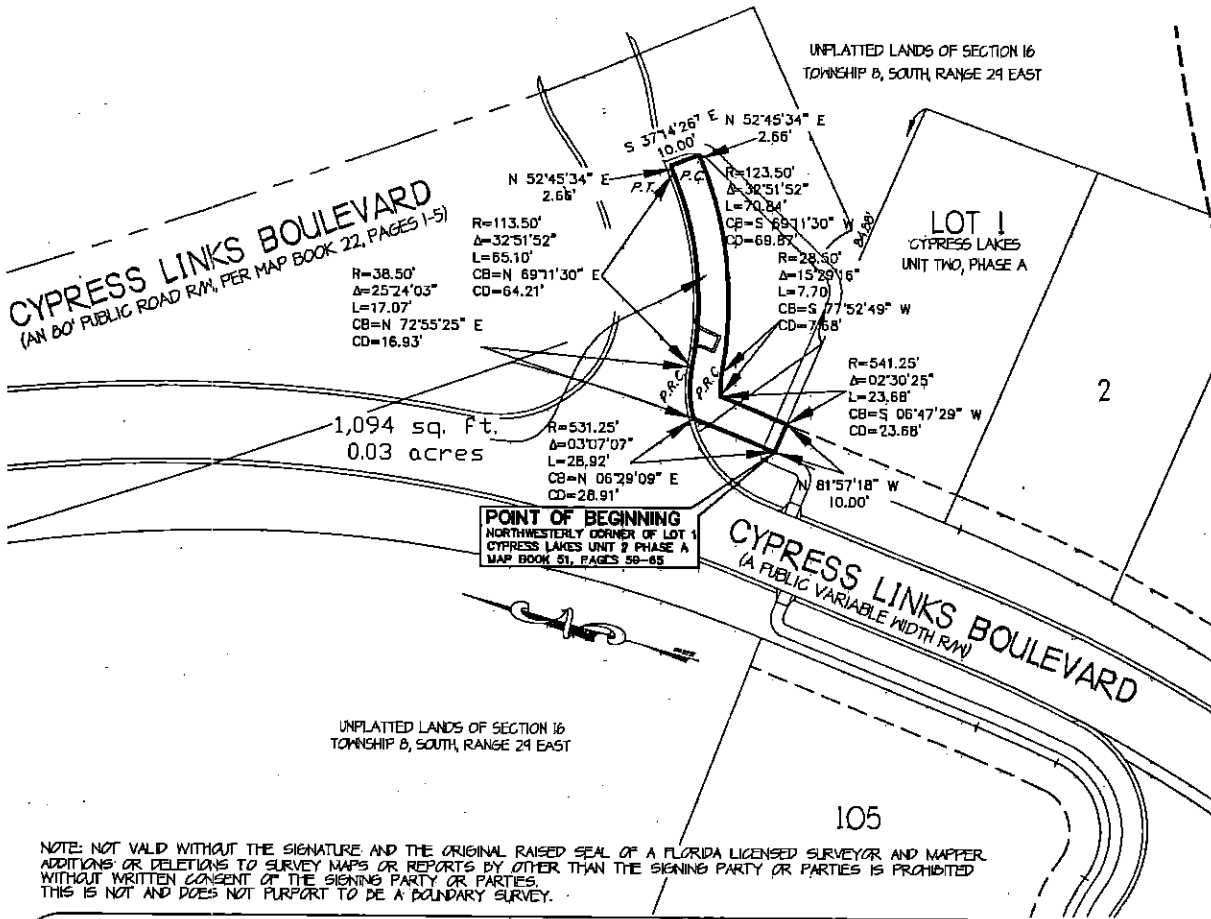
Linda Clark

MAP SHOWING SKETCH OF LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTION 16, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER OF LOT 1, CYPRESS LAKES UNIT TWO, PHASE A, AS RECORDED IN MAP BOOK 51, PAGES 59 THROUGH 65 (INCLUSIVE) OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF CYPRESS LINKS BOULEVARD, SAID RIGHT OF WAY LINE BEING A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 531.25 FEET; THENCE NORTHERLY ALONG AND AROUND SAID ARC OF SAID RIGHT OF WAY LINE, AN ARC DISTANCE OF 28.92 FEET, THROUGH A CENTRAL ANGLE OF 03°07'07", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 06°29'09" E, 28.91 FEET, TO A POINT LYING ON A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 38.50 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, NORTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 17.07 FEET, THROUGH A CENTRAL ANGLE OF 25°24'03", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 72°55'25" E, 16.93 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 113.50 FEET; THENCE NORTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 65.10 FEET, THROUGH A CENTRAL ANGLE OF 32°51'52", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 69°11'30" E, 64.21 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 52°45'34" E, A DISTANCE OF 2.66 FEET TO A POINT; THENCE S 37°14'26" E, A DISTANCE OF 10.00 FEET; THENCE N 52°45'34" E, A DISTANCE OF 2.66 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 123.60 FEET; THENCE SOUTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 70.84 FEET, THROUGH A CENTRAL ANGLE OF 32°51'52", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 69°11'30" W, 69.87 FEET, TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 28.50 FEET; THENCE SOUTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 7.70 FEET, THROUGH A CENTRAL ANGLE OF 15°29'16", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 77°52'49" W, 7.68 FEET TO A POINT LYING ON A NON-TANGENT CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 541.25 FEET; THENCE SOUTHERLY ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 23.68 FEET, THROUGH A CENTRAL ANGLE OF 02°30'25", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 06°47'29" W, 23.68 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF LOT 1 AFOREMENTIONED; THENCE ALONG SAID LINE N 81°57'18" W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.03 ACRES OR 1094 SQUARE FEET, MORE OR LESS.



NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS IS NOT AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.

ABBREVIATIONS USED IN THIS SURVEY		ABBREVIATION DEFINITION	
CB=	Chord Bearing Equals	(R)	RECORD INFORMATION
P.C.P.	Permanent Control Point	L.B.	Licensed Business
P.R.M.	Permanent Reference Monument	R.E.S.	Registered Land Surveyor
P.O.C.	Point of Curvature	J.E.A.	Jacksonville Electric Authority
P.O.B.	Point of Beginning	EQ/HP	Equipment
P.C.	Point of Curvature	A/C	Air Conditioner
P.T.	Point of Tangency	C.A.T.V.	Cable Television
P.R.C.	Point of Reverse Curvature	OH	Overhead Lines
P.I.	Point of Intersection	(F.M.)	Field Measured
R/W	Right of Way	R=	Radius equals
D.B. Vol.	Deed Book Volume	AL=	Arc Length equals
D.B.	Deed Book	CD=	Chord Distance Equals
ps.	page	Δ=	Delta or Central Angle equals
B.R.L.	Building Restriction Line	I.P.	Iron Pipe
Esmt	Easement	Conc.	Concrete

A & J

Professional Land Surveyors

5847 Luella Street
Jacksonville, Florida 32207
Fax (904) 296-1644
Phone (904) 296-1666 L.B. No. 6661

LEGEND	
□	DENOTES CONCRETE MONUMENT
X-X	DENOTES FENCE
○	DENOTES 1/2" IRON PIPE SET WITH CAP & 1/2" LAND SURVEYORS
●	DENOTES IRON PIPE FOUND (AS NOTED)
X	DENOTES CROSS CUT

DATE: NOV. 12, 2004
SCALE: 1"=60'
JOB No. 1963B
F.R. N/A
PAGE N/A
COMP. FILE FPL EASEMENT.DWG

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY TO:

THAT THIS SKETCH WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE WITH THE USUAL TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 61G17-8.0, (FORMERLY CHAPTER 21H1-8.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.022, FLORIDA STATUTES.

[Signature]
JONATHAN B. BOHMAN, STATE OF FLORIDA
REG. LAND SURVEYOR, CERTIFICATE No. 4500

GENERAL NOTES:

- Bearings are based on Northerly line of Lot 1 Being N 81°57'18" W (per plat).
- This is a SKETCH OF LEGAL DESCRIPTION.
- Elevations shown here (if any) refer to U.S. Coastal and Geodetic Survey Datum, National Geographic Vertical Datum of 1929, (N.G.V.D. of 1929).
- Graphic showing only the property shown pertains to the Zone as shown on the Flood Emergency Management Agency (FEMA) National Flood Insurance Program, Flood Insurance Rate Map (FIRM) Community Panel Number Map-Record-Date.
- Unless otherwise noted, any portion of the parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.
- There may be Restrictions or Easements of Record evidenced by title examination that have not been shown hereon.

Exhibit "A"