

RESOLUTION NO. 2005- 163

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, TO ALLOW FOR THE RELOCATION OF AN EXISTING BELL SOUTH EASEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT OF EASEMENT ON BEHALF OF THE COUNTY.

RECITALS

WHEREAS, BellSouth Telecommunications, Inc., formerly Southern Bell Telephone and Telegraph Company, (hereinafter "BellSouth") has easement rights by virtue of an easement recorded in Official Records Book 911, page 1384, of the public records of St. Johns County, Florida, (hereinafter "Original Easement") over a portion of County right-of-way at the intersection of County Road 210 and Mickler Road for telecommunications electric equipment structures and associated cables; and

WHEREAS, due to the improvements at said intersection, the County now has use for the right-of-way and it is necessary for the easement to be relocated; and

WHEREAS, the County has agreed to grant BellSouth a new easement, as more particularly described in Grant of Easement attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to serve the same purposes contained in the "Original Easement" and in exchange for the new easement BellSouth has agreed to release their interest in the "Original Easement" by executing a release of easement, as more particularly described in Release of Easement attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, the new easement parcel is not needed for County purposes and it is in the best interest of the public to approve this exchange.

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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The above mentioned exchange is hereby approved and the Chairman of the Board is authorized to execute the Grant of Easement.

Section 3. The Clerk is instructed to record the original Grant of Easement and Release of Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 28th day of June, 2005.

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

By: 
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 7/1/2005

Exhibit "A" to Resolution

This Instrument Prepared By:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

GRANT OF EASEMENT

THIS INDENTURE, made this ____ day of _____, 2005, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter "Grantor", to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, whose address is _____, its successors, assigns and affiliated and associated companies, hereinafter "Grantee", an exclusive easement for the construction, operation and maintenance of:

1. Telecommunications electric equipment structures and associated cables. As well as appurtenant facilities reasonably required for the support, use, operation and maintenance of such equipment structures to be installed from time to time with the right to reconstruct, improve, add to, enlarge and remove the same, on, in or over the premises described in the attached Exhibit "A".

Grantee shall have the right of ingress, egress and regress to and upon said Premises at all times for the purposes of installing, constructing, operating, inspecting, maintaining and repairing its facilities. The Grantee shall have the right to clear and keep the Premises clear of all trees, undergrowth or other obstructions and to trim, cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside the Premises which might interfere with the lines or systems of communications or electric power serving the Grantee.

The grant of this Easement shall in no way restrict the right and interest of the Grantor in the use, maintenance and quiet enjoyment of the Premises to the extent that such use does not interfere with the rights granted herein. The Grantee shall be liable for personal injuries and damage to real or personal that may result from its use of the Premises, and shall indemnify the Grantor in the event Grantor is required to pay any claim arising from said use by Grantee.

This Easement shall run with the land in perpetuity and shall be binding on and shall insure to the benefits of the parties hereto, their successors or assigns.

In Witness Whereof the said Grantor has caused the presents to be executed in its name by its Board of County Commissioners acting by the Chair of the Board, the day and year aforesaid.

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

By: _____
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by Bruce A. Maguire, Chairman of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board, who is personally known to me.

Notary Public
My Commission Expires: _____

Exhibit "A" to Grant of Easement



Advancing Quality of Life, by Design

1650 Prudential Dr., Suite 400 • Jacksonville, FL 32207
904.721.2991 • FAX: 904.861.2453

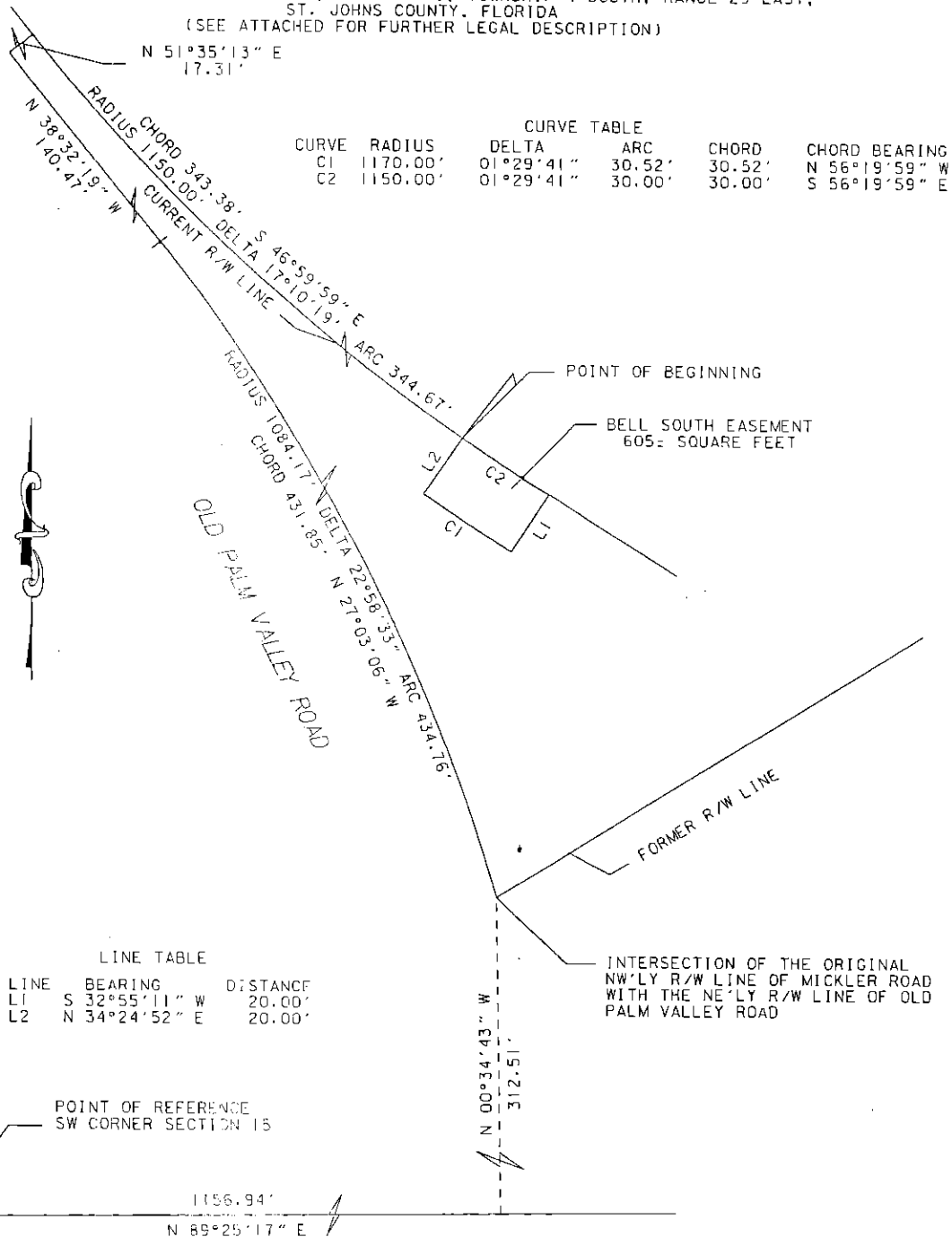
PUBLIX - PALM VALLEY BELLSOUTH EASEMENT

A PART OF PALM VALLEY ROAD (A RIGHT-OF-WAY OF VARYING WIDTHS) IN GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 89°25'17" EAST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1156.94 FEET; THENCE NORTH 00°34'43" WEST LEAVING SAID SOUTH LINE, A DISTANCE OF 312.51 FEET TO A POINT AT THE INTERSECTION OF THE ORIGINAL NORTHWESTERLY RIGHT-OF-WAY LINE OF MICKLER ROAD WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD PALM VALLEY ROAD, SAID POINT LYING ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1084.17 FEET; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 434.76 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 27°03'06" WEST AND A CHORD DISTANCE OF 431.85 FEET; THENCE NORTH 38°32'19" WEST CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD PALM VALLEY ROAD, A DISTANCE OF 140.47 FEET; THENCE NORTH 51°35'13" EAST LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 17.31 FEET TO A POINT ON THE CURRENT NORTHEASTERLY RIGHT-OF-WAY LINE OF PALM VALLEY ROAD, SAID POINT LYING ON A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1150.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURRENT NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 344.67 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 46°59'59" EAST AND A CHORD DISTANCE OF 343.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 30.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 56°19'59" EAST AND A CHORD DISTANCE OF 30.00 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 32°55'11" WEST LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1170.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 30.52 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 56°19'59" WEST AND A CHORD DISTANCE OF 30.52 FEET TO A POINT ON SAID CURVE; THENCE NORTH 34°24'52" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 605 SQUARE FEET MORE OR LESS.

MAP OF

BELL SOUTH EASEMENT
 A PART OF GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 29 EAST,
 ST. JOHNS COUNTY, FLORIDA
 (SEE ATTACHED FOR FURTHER LEGAL DESCRIPTION)



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1170.00'	01°29'41"	30.52'	30.52'	N 56°19'59" W
C2	1150.00'	01°29'41"	30.00'	30.00'	S 56°19'59" E

LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S 32°55'11" W	20.00'	
L2	N 34°24'52" E	20.00'	

NOTE:
 1. BEARINGS SHOWN HEREON BASED ON FLORIDA STATE PLANE COORDINATES, EAST ZONE, WITH THE BEARING ON THE EASTERLY RIGHT OF WAY LINE OF PALM VALLEY ROAD (STATE ROAD 210) BEING N 01°29'35" W, AS SHOWN HEREON.

THIS IS A MAP ONLY AND DOES NOT PURPORT TO BE A SURVEY


 <p>Enginers Planners Landscape Architects Surveyors</p> <p>Advancing Quality of Life, by Design • B.H.R., Inc.</p> <p>1900 Corporate Square Boulevard • Jacksonville, Florida 32216 • (904) 721-2991 • Fax: (904) 861-2451 Certification Number LB 6739</p>	<p>I HEREBY CERTIFY THAT THIS MAP MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.</p> <p><i>Brenda D. Catone</i></p> <p>CARL J. SCHELLHASE FLA. P.S.M. CERT. NO. LS 5021 BRENDA D. CATONE FLA. P.S.M. CERT. NO. LS 5447 JOSEPH K. LEK FLA. P.S.M. CERT. NO. LS 6016</p> <p>FIELD <u>N/A</u> SIGNED <u>FEBRUARY 23, 2005</u></p> <p>SCALE: <u>1" = 40'</u></p>
	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>
	<p>REQ. NO. 02099</p>
	<p>4: sUrvey aSt Johns aT 46-R29e aPal mVal l eYe M cK l e r abel l e south 2. dgn</p>
	<p></p>

Exhibit "B" to Resolution

This Instrument Prepared By:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

RELEASE OF EASEMENT

THIS INSTRUMENT is made this ____ day of _____, 2005, by **BELLSOUTH TELECOMMUNICATIONS, INC.**, formerly Southern Bell Telephone and Telegraph Company, a Georgia corporation, whose address is _____.

Witnesseth:

WHEREAS, heretofore and by an instrument in writing bearing the day of November 5, 1990, and recorded on October 15, 1991 in Official Records Book 911, page 1384, of the public records of St. Johns County, Florida, (hereinafter referred to as the "Original Easement"), BellSouth Telecommunications, Inc., formerly Southern Bell Telephone and Telegraph Company, its successors and assigns, was granted a right-of-way and easement for its telecommunications electrical equipment structures and associated cables over, through and across certain property in the City of St. Augustine, County of St. Johns, State of Florida, described in the Original Easement, and

WHEREAS, by accepting the Instrument, St. Johns County residing at 4020 Lewis Speedway, City of St. Augustine, County of St. Johns, State of Florida, (hereinafter referred to as "Owner"), represents that they are the owner of property burdened by the Original Easement and is desirous of having such property released from the burden of the Original Easement; and

WHEREAS, the property to be released from the burden of the Original Easement is more particularly described as follows, (and hereinafter referred to as "Property Released"):

See Exhibit "A", attached hereto and incorporated by reference and made a part hereof.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid by Owner, the receipt of which is hereby acknowledged, BellSouth Telecommunications, Inc., does hereby release unto Owner of said property all the rights, title and interest which BellSouth Telecommunications, Inc. acquired by the Original Easement as it pertains to the Property Released.

IN WITNESS WHEREOF, BellSouth Telecommunications, Inc., has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

BELLSOUTH TELECOMMUNICATIONS,
INC., a Georgia corporation

Print Name _____

By: _____

Print Name _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by _____ as _____ of BellSouth Telecommunications, Inc., a Georgia corporation, on behalf of the corporation. He/She is personally known to me.

Exhibit "A" to Release of Easement

Being a portion of Government Lot 3, Section 15, Township 4 South, Range 29 East, St. Johns County, Florida; Commence at the intersection of the Northwesterly right-of-way line of Mickler Road (a 66 foot right-of-way as now established) with the Northeasterly right-of-way line of Palm Valley Road (a 66 foot right-of-way as now established), said right-of-way line being in the arc of a curve concave Southwesterly; thence along and around the arc of said curve having a radius of 1084.17 feet, an arc distance of 164.17 feet, said arc being subtended by a chord bearing and distance of North 21 degrees 45 minutes 00 seconds West 164.02 feet to the Point of Beginning; thence continue along said Northeasterly right-of-way line and along and around the arc of said curve concave Southwesterly, having a radius of 1084.17 feet, an arc distance of 12.00 feet, said arc being subtended by a chord bearing and distance of North 26 degrees 24 minutes 19 seconds West 12.00 feet; thence North 63 degrees 35 minutes 41 seconds East 20.00 feet to the arc of a curve concave Southwesterly; thence along and around the arc of said curve, having a radius of 1104.17 feet, an arc distance of 9.00 feet, said arc being subtended by a chord bearing and distance of North 26 degrees 57 minutes 00 seconds West 9.00 feet; thence North 63 degrees 35 minutes 41 seconds East 30.00 feet; thence South 26 degrees 24 minutes 19 seconds East 30.00 feet; thence South 63 degrees 35 minutes 41 seconds West 30.00 feet to the arc of a curve concave Southwesterly; thence along and around the arc of said curve, having a radius of 1104.17 feet, an arc distance of 9.00 feet, said arc being subtended by a chord bearing and distance of North 25 degrees 51 minutes 37 seconds West 9.00 feet; thence South 63 degrees 35 minutes 41 seconds West 20.00 feet to the Point of Beginning.

Containing 1138 square feet, more or less.



**GENERAL
LOCATION MAP**



Map Prepared: 4/28/2005
*Depicts General Project Boundary

**Property exchange for
relocation of
BellSouth Easement**

File:BCC June 1, 2005



Land Management Division
Real Estate Division

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared SARAH SELFRIDGE who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being A NOTICE OF EXCHANGE

in the matter of: BELLSOUTH PROPERTY

was published in said newspaper in the issues of

JUNE 14, 21, 2005

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 21ST day of JUNE 2005.

by Sarah Selfridge who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Handwritten signature of Patricia A. Bergquist

(Signature of Notary Public)

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PROPOSED EXCHANGE OF COUNTY PROPERTY

On Tuesday June 28, 2005, the Board of County Commissioners of St. Johns County, Florida, in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway (County road 16-A and U.S.#1 North) St. Augustine, Florida, will consider and may take action on a Resolution approving an exchange of real property between St. Johns County and BellSouth Telecommunications, Inc. for the relocation of an existing BellSouth easement of the intersection of County Road 210 and Mickler Road.

The proposed legal descriptions and maps of the real property to be exchanged are shown in the Exhibits of the Resolution which are available for inspection by the public in the Office of the Clerk of Courts, Ex-Officio Clerk to the Board of County Commissioners located in the St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida.

NOTICE OF PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in these proceedings should contact, ADA Coordinator, at 904-823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770 no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Yvonne King, Deputy Clerk L1459-5 June 14, 21, 2005