

RESOLUTION NO. 2005- 250

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT THAT WILL ALLOW THE COUNTY DRAINAGE INTO THE RETENTION POND BEING USED FOR THE FOUR LANE IMPROVEMENTS ALONG COUNTY ROAD 13A.

WHEREAS, Sunshine Land Holding, LLC, a Florida limited liability company, has executed and presented to the County a Grant of Easement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, that will allow the County and Turnbull Creek Community Development District, drainage into the retention pond being used for the four lane improvements along County Road 13A; and

WHEREAS, the County will not be responsible for any permitting or future maintenance of the pond. The retention pond is part of the requirements outlined in the Development and Impact Fee Agreement for Sunshine Planned Unit Development (hereinafter referred to as "PUD"), Palm Lakes PUD, Liberty Park PUD, and Samara Lakes PUD, dated March 23, 2005 and recorded in Official Records Book 2406 Page 250 of the Public Records of St. Johns County, Florida; and

WHEREAS, it is in the best interest of the County to accept the Easement to ensure proper drainage 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 Grant of Easement attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

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

PASSED AND ADOPTED this 6 day of September, 2005.

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

By: Bruce A. Maguire
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk
By: Uwanne King
Deputy Clerk

RENDITION DATE 09/08/05

Exhibit "A" to Resolution

GRANT OF EASEMENT
(Drainage)

THIS EASEMENT made as of the 25th day of April, 2005, by and between **SUNSHINE LAND HOLDING, LLC**, a Florida Limited Liability corporation, whose mailing address is 4141 Southpoint Drive East, Suite B, Jacksonville, Florida 32216 ("Grantor") and **ST. JOHNS COUNTY**, whose mailing address is 4020 Lewis Speedway, St. Augustine, Florida (the "Grantee").

WITNESSETH

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys to Grantee, its successors and assigns forever, a perpetual and unobstructed right-of-way and easement for drainage purposes over, across, under and through that certain parcel of land located in St. Johns County, Florida, more particularly described on Exhibit "A" attached hereto ("Easement Land") including the right to install, construct, operate, repair and maintain lakes, ponds, swales, pipes, conduits, lines and associated equipment for the purpose of providing stormwater drainage benefiting and

serving the property described in Exhibit "B" (the "Benefited Land"). Together with the right of Grantee, its successors and assigns, to ingress and egress to, over and across the Easement Land and to do anything necessary or useful or convenient for the enjoyment of the easement herein granted. This easement shall be for the use and benefit of Grantee, its successors and assigns, and shall run with title to the Easement Land.

Sunshine Land Holding, LLC shall be specifically allowed to assign, in whole or in part as it sees fit, the non-exclusive rights granted herein to St. Johns County, a political subdivision of the State of Florida. Upon such assignment by Sunshine Land Holding, LLC, St. John's County, shall be allowed to continue to utilize and benefit from the rights granted herein.

The easement granted herein shall not be exclusive of use by Grantor, or its successors and assigns, so long as such use does not interfere with the rights granted herein.

IN WITNESS WHEREOF, Grantor has executed this easement as of the day and year first above written.

GRANTOR

Signed, sealed and delivered In the presence of:

SUNSHINE LAND HOLDING, LLC, a Florida Limited Liability Corporation

Melissa A. Girlinghouse Name Melissa A. Girlinghouse Charles Lyrah Name Charles Lyrah

By: Helen Breeding Print Name: Helen Breeding Its Vice President

STATE OF FLORIDA))SS COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 22nd day of August, 2005, by Helen Breeding, the Vice President of SUNSHINE LAND HOLDING, LLC, a Florida corporation, on behalf of the corporation.

Melissa A. Girlinghouse Print Name: Melissa A. Girlinghouse

NOTARY PUBLIC State of Florida at Large Commission # My Commission Expires: MELISSA A. GIRLINGHOUSE NOTARY PUBLIC STATE OF FLORIDA My commission expires Mar. 31, 2008 Commission No. DD305953

Personally Known Or Produced I.D. (check on of the above)

Type of Identification Produced

Exhibit A to Easement
Proposed Pond on CR 13A

A portion of Sub-Section 10, lying within Section 38, of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the Southwest corner of Tract "A", as shown on the plat of Murabella Unit One, as recorded in Map Book 52, Pages 16 through 42, inclusive, of the Public Records of said County, said point being situate on the former Easterly right of way line of County Road No. 13-A and/or Pacetti Road, being a 100 foot right of way; thence South 72°21'59" East, along the Southerly line of said Tract "A", a distance of 25.01 feet to the present Easterly right of way line of County Road No. 13-A and/or Pacetti Road, for a POINT OF BEGINNING; thence continue South 72°21'59" East, along said Northerly line of Tract "A", a distance of 643.39 feet; thence South 17°38'01" West, 549.89 feet; thence North 72°21'59" West, 661.35 feet to said present right of way line of County Road No. 13-A and/or Pacetti Road; thence North 19°30'15" East, along said Easterly right of way line, 550.18 feet to the POINT OF BEGINNING.

Containing 8.2353 acres, more or less.

Exhibit B to Easement

CR 13A, St. Johns County, Florida



ROAD MAP



Map Prepared: 8/25/2005

*Depicts General Project Boundary

**County Road 13A
four lane
improvements**

File: BCC September 6,2005



St. Johns County
Land Mgmt. Systems
Real Estate