

RESOLUTION NO. 2005 251

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM BRENNER LAND COMPANY, LLC TO ST. JOHNS COUNTY FOR DRAINAGE AND UTILITY PURPOSES.**

**RECITALS**

**WHEREAS**, Brenner Land Company, LLC, a Florida limited liability company, as executed and presented to St. Johns County a Grant of Easement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, this easement runs along J.E. Ausley Road as shown on map attached hereto as Exhibit "B", incorporated by reference and made a part hereof, and is necessary for future drainage and utility improvements in that area; and

**WHEREAS**, acceptance of this easement will better serve the health, safety and welfare of the citizens.

**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 Grant of Easement is hereby accepted and the Chairman of the Board is hereby authorized to accept the executed easement.

Section 3. The Clerk is instructed to record the original 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 6 day of September, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

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

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

RENDITION DATE 09/08/05

EXHIBIT "A" TO RESOLUTION

Prepared by:  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

**GRANT OF EASEMENT**

**THIS GRANT OF EASEMENT**, made this 6 day of July, 2005, between BRENNER LAND COMPANY, LLC, a Florida limited liability company, whose address is 577 Willow Walk Place, St. Augustine, Florida 32086, hereinafter called Grantor, and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the Grantee.

**WITNESSETH:** That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, ~~an unobstructed right of way and~~ 8 AL perpetual easement with the right, privilege, and authority to said Grantee, its successors and assigns, the right to construct, lay, maintain, improve, and/or repair either above or below the surface of the ground, drainage facilities and utilities on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

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

**TOGETHER** with the right of said Grantee, its successors and assigns, of ingress and egress to and over said above described premises, and for doing anything necessary or useful or convenient, or removing at any time any and all of said improvements upon, over, under, or in said lands, together also with the right and easement, privileges, and appurtenances in and to said land which may be required for the enjoyment of rights herein granted.

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal the day and year first above written.

Signed and Sealed in Our  
Presence as Witnesses:

**BRENNER LAND COMPANY,  
LLC, a Florida limited liability  
company**

Daniel Creamer  
Print Name Daniel Creamer

By: Nancy A. Brenner  
Its Managing Member

Cheryl Reese  
Print Name Cheryl Reese

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

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of  
July, 2005, by Nancy A. Brenner, as Managing Member of Brenner Land  
Company, LLC, a Florida limited liability company, on behalf of the company. She is  
personally known to me or has produced \_\_\_\_\_ as  
identification.



Cheryl Reese  
My Commission DD115932  
Expires June 16, 2006

Cheryl Reese  
Notary Public  
My Commission expires: 6-16-06

Exhibit "A"

The West 10 feet (drainage and utilities) and the South 5 feet (as to drainage only) of the following described parcel of land:

Part of Lots 7 and 8, Estes and Irwin Subdivision, as recorded in Map Book 1, page 105, 105A and 106, of the public records of St. Johns County, Florida, said parcel of land lying in the East ½ of the Northwest ¼ of Section 4, Township 10 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For the Point of Reference Commence at the Northwest corner of said Section 4, Township 10 South, Range 28 East; thence South 00 degrees 30 minutes 23 seconds East, along the West line of said Section 4, 50.00 feet to the intersection with the south right-of-way line of a 30 foot wide canal right-of-way; thence North 89 degrees 35 minutes 03 seconds East, parallel with the North line of said Section 4, 1345.96 feet to the intersection with the East right-of-way line of a reserve road known as JE Ausley Road; thence South 00 degrees 16 minutes 01 seconds East, along said East right-of-way line, 74.74 feet to the Point of Beginning; thence continue South 00 degrees 16 minutes 01 seconds East, along last mentioned East right-of-way line, 2839.20 feet to the intersection with the North right-of-way line of a reserve road known as JE Ausley Road; thence north 89 degrees 02 minutes 49 seconds East, along last mentioned North right-of-way line, 1366.96 feet to the intersection with the West right-of-way line of an unnamed reserved road; thence North 00 degrees 20 minutes 30 seconds West, along last mentioned West right-of-way line, 2901.12 feet to the intersection with the aforementioned South right-of-way line of a 30 foot wide canal right-of-way; thence South 89 degrees 35 minutes 03 seconds West, along said South canal right-of-way line, and parallel with the North line of said Section 4, 1173.19 feet to the intersection with the East line of a parcel as described in Deed Book 22, page 302 of the public records of said County; thence South 00 degrees 16 minutes 01 seconds East, along said East line, 74.74 feet to the Southeast corner of said parcel; thence South 89 degrees 35 minutes 03 seconds West, along the South line of said parcel, 189.88 feet to the Point of Beginning.

**CONSENT AND JOINDER**

Prosperity Bank, a state banking corporation, as holder of that certain Mortgage and Security Agreement recorded in Official Records Book 2321, page 1523, of the public records of St. Johns County, Florida, encumbering the real property described on the attached Exhibit "A", has caused this instrument to be signed solely in evidence of its consent and joinder in and to the easement.

Signed, sealed in Our  
Presence as Witnesses:

PROSPERITY BANK, a state  
banking corporation

Dan Creamer  
Print Name Daniel Creamer

By: Alan O. Douglas  
Its: VP

Cheryl Reese  
Print Name Cheryl Reese

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

The foregoing instrument was acknowledged before me this 6th day of July, 2005, by Alan Douglas as Executive Vice President of Prosperity Bank, a state banking corporation, on behalf of the corporation. Who is personally known to me or has produced \_\_\_\_\_ as identification.



Cheryl Reese  
My Commission DD115932  
Expires June 16, 2006

Cheryl Reese  
Notary Public  
My Commission Expires: 6-16-06



St. Johns County  
Real Estate Division  
(904) 269-0794  
August 3, 2005

### Proposed Drainage and Utility Easement



DISCLAIMER  
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.

