

RESOLUTION NO. 2005- 3

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE LEGENDS AT SAINT JOHNS SUBDIVISION.

RECITALS

WHEREAS, The Legends at SJ, LLC, a Florida limited liability company, has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water service to The Legends at Saint Johns Subdivision.

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 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 Easement for utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 12th day of January, 2005.

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

By: _____

Bruce A. Maguire
Bruce A. Maguire
Chairman

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande
Deputy Clerk

Exhibit "A" to the Resolution

THIS DOCUMENT PREPARED
BY AND RETURN TO:

CAROLINE R. NICHOLS, ESQUIRE
PAPPAS METCALF JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE, SUITE 400
JACKSONVILLE, FL 32202-4926

EASEMENT FOR UTILITIES
[THE LEGENDS AT SAINT JOHNS]

THIS EASEMENT is executed and given this _____ day of _____, 2004, by **THE LEGENDS AT SJ, LLC**, a Florida limited liability company, whose address is 475 West Town Place, St. Augustine, Florida, 32092, hereinafter called "Grantor," to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is c/o Clerk of Courts, P. O. Drawer 349, St. Augustine, Florida, 32085, hereinafter called "Grantee."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, 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, replace 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 services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit "A" attached hereto containing approximately 250 square feet (the "Easement Area"); together with rights of 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, if any.

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) 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) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of

repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) 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.

(d) Grantee shall exercise the easement rights conveyed herein in a manner that 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. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served 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 similar surface improvements. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. 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.

New York
STATE OF FLORIDA)
COUNTY OF Westchester)SS

The foregoing instrument was acknowledged before me this 22 day of October, 2004, by Alfred J. Liverzani, as Manager of Petro-Augustine, LLC, a Florida limited liability company, as the Manager of THE LEGENDS AT SJ, LLC, a Florida limited liability company, on behalf of the company.

Esther Andreana
NOTARY PUBLIC New York
~~State of Florida at Large~~ Commission # _____
My Commission Expires: _____
Personally Known _____ or Produced I.D.
[check one of the above]
Type of Identification Produced
DRIVER LICENSE

ESTHER ANDREANA
Notary Public, State of New York
No. 01AN6087931
Qualified in Westchester County
Commission Expires February 24, 2007

EXHIBIT "A"

[Easement Area]

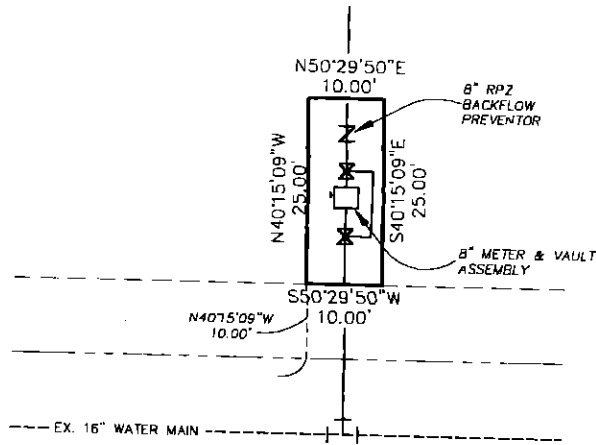
Please see attached

MAP SHOWING

Exhibit "A" to the Easement

Part of the Antonio Huertas Grant, Section 38, Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows: For a Point of Reference, COMMENCE at the Northwest corner of Section 44 of said Township 6 South, Range 28 East; thence South 14°55'52" West along the West line of said Section 44 and its Southerly projection thereof, a distance of 7,123.49 feet; thence South 53°13'38" East along a line to its intersection with the Northwesterly right of way line of International Golf Parkway (a 100 foot right of way as now established), a distance of 2,224.53 feet; thence North 50°29'50" East along said Northwesterly right of way line, a distance of 838.83 feet to the POINT OF BEGINNING; thence North 40°15'09" West, 25.00 feet; thence North 50°29'50" East, 10.00 feet; thence South 40°15'09" East, 25.00 feet to said Northwesterly right of way line of International Golf Parkway; thence South 50°29'50" West, along said right of way line, 10.00 feet to the POINT OF BEGINNING.

Containing 250 square feet, more or less.



EASEMENT DETAIL
SCALE : 1"=20'

POINT OF COMMENCEMENT
NORTHWEST CORNER OF SEC. 44

POINT OF BEGINNING
WATER MAIN
EASEMENT

SEE DETAIL ABOVE

NORTHWESTERLY R/W LINE
N50°29'50"E 838.83'

EX. 16" WATER MAIN

INTERNATIONAL GOLF PARKWAY

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

NOTES

- Bearings are based on the NORTH R/W LINE (N50°29'50"E)
- This is a SKETCH OF EASEMENT
- Elevations shown thus (15.0) refer to U.S. Coastal and Geodetic Survey Datum, National Geodetic Vertical Datum of 1929, (N.G.V.D. of 1929)
- By Graphic plotting only, the property shown hereon lies within Zone: as shown on the Federal Emergency Management Agency (F.E.M.A.), National Flood Insurance Program, Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number Map Revised 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.

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY

ABBREVIATION	DEFINITION	ABBREVIATION	DEFINITION
P.C.P.	Permanent Control Point	L.B.	Licensed Business
P.R.M.	Permanent Reference Monument	R.L.S.	Registered Land Surveyor
P.O.B.	Point of Beginning	J.E.A.	Jacksonville Electric Authority
P.C.	Point of Curvature	EQP	Equipment
P.T.	Point of Tangency	A/C	Air Conditioner
P.R.C.	Point of Reverse Curvature	C.A.T.V.	Cable Television
P.I.	Point of Intersection	O.H.L.	Overhead Lines
R/W	Right of Way	(F.M.)	Field Measured
O.R.V.	Official Records Volume	R=	Radius equals
D.B.	Dated Book	L=	Arc Length equals
Pg.	page	Ch. =	Chord Bearing & Distance equals
B.R.L.	Building Restriction Line	Δ =	Delta or Central Angle equals
Esm	Easement	I.P.	Iron Pipe
		Conc.	Concrete

LEGEND

- ⊙ DENOTES CONCRETE MONUMENT
- DENOTES FENCE
- DENOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC.
- DENOTES IRON PIPE FOUND (AS NOTED)
- X DENOTES CROSS CUT

DATE 08-05-04
SCALE 1"=40'
JOB No. 2003-2195
F.B. MAP
page ---
Comp. File 03-2195
Drawn by B.R.B.

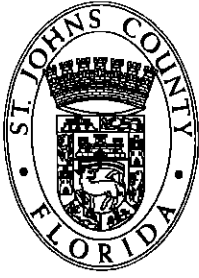
RICHARD A. MILLER & ASSOCIATES

PROFESSIONAL LAND SURVEYORS
6701 BEACH BLVD., SUITE #200
JACKSONVILLE, FLORIDA 32216

Fax (904) 721-5758
Tels. (904) 721-1226

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 81G7-01, (formerly CHAPTER 171-01), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 172.027, FLORIDA STATUTES.

BY: *Richard A. Miller*
RICHARD A. MILLER, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 3848



ST. JOHNS COUNTY

UTILITY DEPARTMENT


2175 Mizell Road

P.O. Drawer 3006

St. Augustine, Florida 32085-3006

904-471-2161

M E M O R A N D U M

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Debbie Sileo, Construction Tech III 
SUBJECT: The Legends at St Johns
DATE: December 16, 2004

Please be informed that the Utility Department has reviewed and approved the above subject Utility Easement and Bill of Sale for The Legends at St. Johns.

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.