

RESOLUTION NO. 2005- 56

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TERMINATION OF GRANT OF EASEMENT AND NEW GRANT OF EASEMENT FOR WATER AND SEWER SERVICE TO MARSHALL CREEK SUBDIVISION, VILLAGE CENTER UNIT TWO.

RECITALS

WHEREAS, Marshall Creek, Ltd., a Florida limited partnership, has executed and presented a Termination of Grant of Easement and New Grant of Easement to St. Johns County for water and sewer service to Marshall Creek Subdivision, Village Center Unit Two, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the original Easement for Utilities dated June 6, 2002 was recorded in Official Records Book 1816 Page 124 of the public records of St. Johns County. The Easement is being terminated since the utility lines have been relocated and the Easement area is no longer required; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents 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 Termination of Grant of Easement and New Grant of 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, 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 Termination of Grant of Easement and New Grant of Easement is hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Court is instructed to record the original Termination of Grant of Easement and New 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 9th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant Vice Chair

ATTEST: Cheryl Strickland, Clerk

By: Patricia W. Strickland
Deputy Clerk

RENDITION DATE 3-10-05

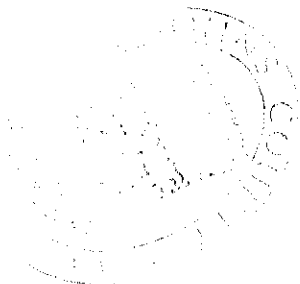


Exhibit "A" to Resolution

Prepared by:

Kathryn F. Whittington, Esq.
Pappas Metcalf Jenks & Miller, P.A.
245 Riverside Avenue, Suite 400
Jacksonville, Florida 32202-4907

And Return to:

St. Johns County Real Estate Division
4020 Lewis Speedway
St. Augustine, Florida 32084.

**TERMINATION OF GRANT OF EASEMENT
AND
NEW GRANT OF EASEMENT**

THIS INSTRUMENT is made this 14th day of February, 2005, by and between MARSHALL CREEK LTD., a Florida limited partnership ("Grantor"), whose address is 605 Palencia Club Drive, St. Augustine, Florida 32095, and ST. JOHNS COUNTY, FLORIDA, a Political Subdivision of the State of Florida, successor to Anastasia Sanitary District ("Grantee"), whose address is 4020 Lewis Speedway, St. Augustine FL 32084.

WITNESSETH:

WHEREAS, Grantor granted an easement for a sewer and water line and access thereto, over and across the easement parcels contained in that certain Easement dated June 6, 2002, and recorded September 18, 2002, in Official Records Book 1816 page 124 of the public records of St. Johns County, Florida (the "Original Easement"); and

WHEREAS, Grantor and Grantee have agreed to terminate a portion of the Original Easement and substitute therefore and grant a new easement for the same purposes.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantee does hereby remise, release and forever terminate all easement rights granted over and across the portion of the land subject to the Original Easement as more particularly described on Exhibit "A" attached hereto and be reference made a part hereof (referred to herein as "Released Easement Property"), and said portion of the Original Easement over and across the Released Easement Property is terminated and shall be of no further force, effect or encumbrance on the Released Easement Property and the owner of all or any part of the Released Easement


Property may occupy, transfer, encumber or convey the Released Easement Property free and clear of the terms and conditions of the Original Easement.

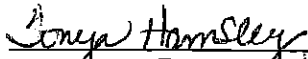
2. **Grantor** does hereby and by these presents assign, convey, remise, release and grant unto **Grantee** a new easement for a lift station and associated gravity and force mains and access thereto for maintenance of the lift station and associated gravity and force mains over, under and across the parcel or parcels of real property described on "Exhibit B" attached hereto and by reference made a part hereof (the "New Easement Property"). The foregoing easement is a covenant running with the land and shall be binding upon the owners of the Easement Property, their successors and assigns.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed the day and year first above written.

GRANTOR:

Signed, sealed and delivered in the presence of:


Print Name: Laci LeDuke


Print Name: Tonya Hamsley

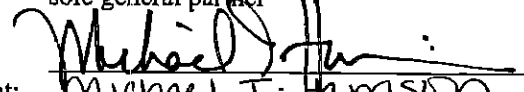

MARSHALL CREEK, LTD., a Florida limited partnership

By: **HINES/MARSHALL CREEK, LTD.**, a Florida limited partnership, as its sole general partner

By: **HINES MANAGEMENT, L.L.C.**, a Delaware limited liability company, as its sole general partner

By: **Hines Interests Limited Partnership**, a Delaware limited partnership, its sole member

By: **Hines Holdings, Inc.**, a Texas corporation, as its sole general partner

By: 
Print: Michael T. Hamson
Its: Senior Vice President
Address: 5 Ravinia Drive
Atlanta, GA 30346 

GRANTEE:

Signed, sealed and delivered
in the presence of:

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

Sign: _____
Print Name: _____

By: James E. Bryant
Its: Vice Chair

Sign: _____
Print Name: _____

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by Bruce A. Maguire, the Chairman of the Board of County Commissioners on its behalf, who is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires:

EXHIBIT "A" to Easement

[RELEASED EASEMENT PROPERTY]

A PORTION OF SECTION 53, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A NORTHWEST CORNER OF SOUTH LOOP PARKWAY, ACCORDING TO MAP OF MARSHALL CREEK DRI UNIT A-ONE, AS RECORDED IN MAP BOOK 41, PAGES 98 THROUGH 103 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY: THENCE NORTH 40°23'29" EAST, ALONG THE NORTHWEST BOUNDARY OF SAID MARSHALL CREEK DRI UNIT A-ONE, 80.00 FEET; THENCE NORTH 49°36'31" WEST, 16.40 FEET TO A POINT OF TANGENCY; THENCE IN A NORTHWESTERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 210.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 30°49'21" WEST, 135.25 FEET TO A POINT OF CURVATURE; THENCE NORTH 12°02'12" WEST, 277.03 FEET TO THE POINT OF BEGINNING.

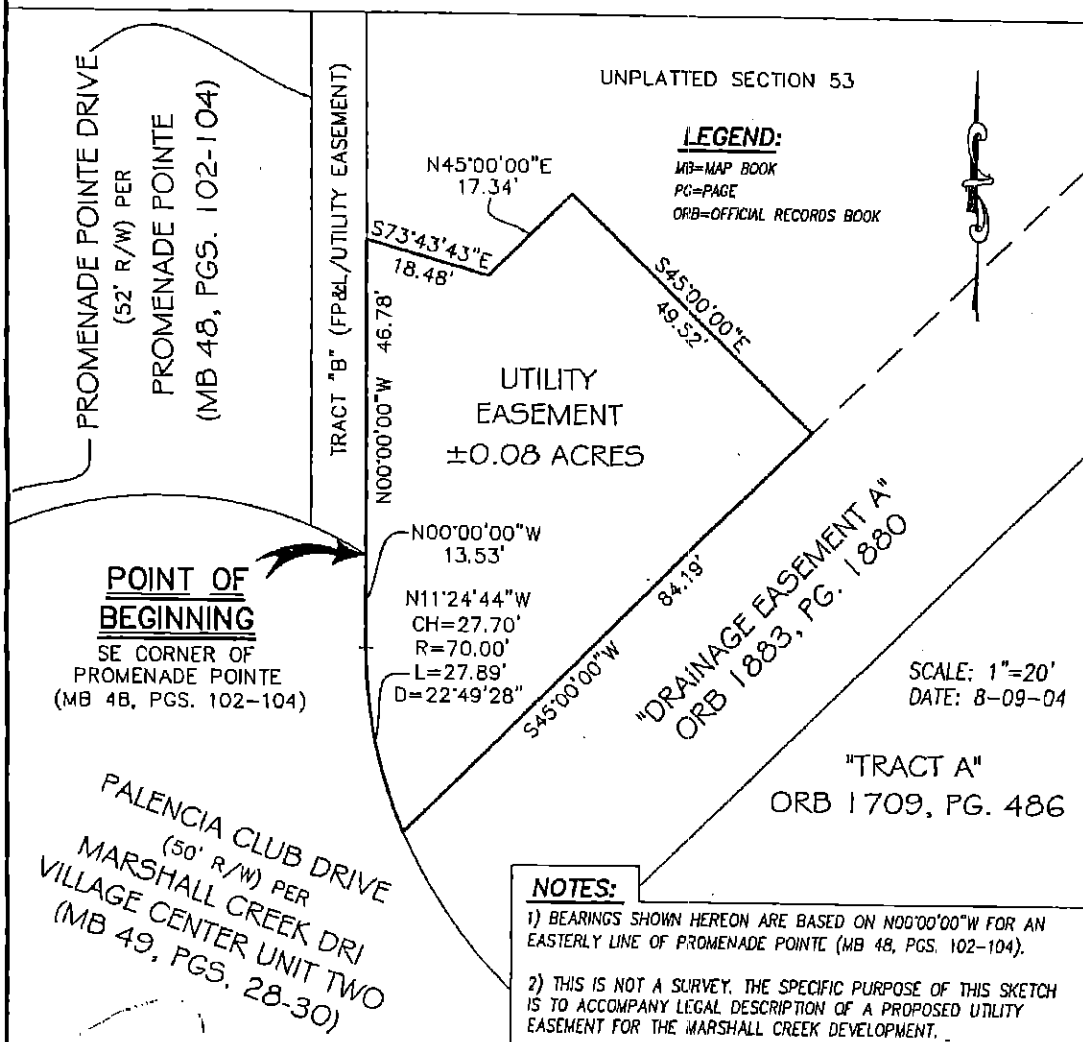
FROM THE POINT OF BEGINNING THUS DESCRIBED THENCE CONTINUE NORTH 12°02'12" WEST, 23.84 FEET; THENCE NORTH 45°00'00" EAST, 686.03 FEET; THENCE NORTH 89°45'34" WEST, 626.70 FEET; THENCE NORTH 44°45'34" WEST, 31.49 FEET; THENCE NORTH 67°15'34" WEST, 38.60 FEET; THENCE NORTH 16°18'20" EAST, 20.13 FEET; THENCE SOUTH 67°15'34" EAST, 44.83 FEET; THENCE SOUTH 44°45'34" EAST, 27.18 FEET; THENCE SOUTH 89°45'34" EAST, 616.15 FEET; THENCE IN A NORTHEASTERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 56.50 FEET, A CHORD BEARING AND DISTANCE OF NORTH 48°11'31" EAST, 92.92 FEET; THENCE NORTH 45°00'00" EAST, 26.04 FEET; THENCE NORTH 73°43'43" WEST, 39.26 FEET; THENCE NORTH 90°00'00" WEST, 799.43 FEET; THENCE NORTH 00°00'00" EAST, 20.00 FEET; THENCE SOUTH 90°00'00" EAST, 802.29 FEET; THENCE SOUTH 73°43'43" EAST, 53.09 FEET; THENCE NORTH 45°00'00" EAST 17.34 FEET; THENCE SOUTH 45°00'00" EAST, 49.52 FEET; THENCE SOUTH 45°00'00" WEST, 61.52 FEET; THENCE SOUTH 54°51'32" WEST, 110.97 FEET; THENCE SOUTH 45°00'00" WEST, 699.71 FEET TO THE POINT OF BEGINNING.

SKETCH TO FOLLOW LEGAL DESCRIPTION OF:
**A PORTION OF SECTION 53, TOWNSHIP 5 SOUTH,
 RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA**

LEGAL DESCRIPTION: UTILITY EASEMENT

A PORTION OF SECTION 53, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF PROMENADE POINTE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 48, PAGES 102 THROUGH 104 OF THE PUBLIC RECORDS OF SAID COUNTY, THE SAME BEING A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF PALENCIA CLUB DRIVE (A 50-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), PER PLAT OF MARSHALL CREEK DRI VILLAGE CENTER UNIT TWO, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 49, PAGES 28 THROUGH 30 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 00°00'00" WEST, ALONG AN EASTERLY LINE OF SAID PROMENADE POINTE, 46.78 FEET; THENCE SOUTH 73°43'43" EAST, 18.48 FEET; THENCE NORTH 45°00'00" EAST, 17.34 FEET; THENCE SOUTH 45°00'00" EAST, 49.52 FEET TO THE NORTHWESTERLY BOUNDARY OF LANDS DESCRIBED AS "DRAINAGE EASEMENT A" IN BOOK 1883, PAGE 1880 OF THE OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 45°00'00" WEST, ALONG SAID NORTHWESTERLY LINE, 84.19 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF PALENCIA CLUB DRIVE; THENCE THE FOLLOWING (2) COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE: COURSE (1) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 70.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 11°24'44" WEST, 27.70 FEET; COURSE (2) - NORTH 00°00'00" WEST, 13.53 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 0.08 ACRES, MORE OR LESS.



John M. James
 JOHN M. JAMES
 REGISTERED SURVEYOR & MAPPER NO. 4774 FL.
 CHARLES R. LEE
 REGISTERED SURVEYOR & MAPPER NO. 5618 FL.

PRIVETT & ASSOC. OF FLORIDA, INC.
 SURVEYORS, MAPPERS AND LAND PLANNERS
 2732 TOWNSEND BOULEVARD
 JACKSONVILLE, FLORIDA, 32211
 (904) 743-7658 LB No.4622

EXHIBIT "B" to the Resolution



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 *DS*
SUBJECT: Palencia Village Center 2-A
DATE: January 26, 2005

Please be informed that the Utility Department has reviewed and approved the above subject Utility Easement for Palencia Village Center 2-A.

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.