

RESOLUTION NO. 2006- 249

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO ANCIENT CITY PLAZA LOCATED OFF OF US #1 SOUTH.**

**RECITALS**

**WHEREAS**, Old City Development, 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 Ancient City Plaza; 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 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 25<sup>th</sup> day of July, 2006.

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

By: James E. Bryant  
James E. Bryant, Chairman

**ATTEST:** Cheryl Strickland, Clerk

By: Robin S. Plack  
Deputy Clerk

RENDITION DATE 7/26/2006

Prepared by:  
Michael A. Piesco  
3433 US #1 South  
St. Augustine FL 32086

## EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 22<sup>nd</sup> day of JUNE, 2006,  
By MICHAEL A. PIESCO \*\* with an address of 4425 US 1 So, 32086  
hereinafter called "Grantor," to ST. JOHNS COUNTY, FLORIDA, a political  
subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St.  
Augustine, FL 32084, hereinafter called "Grantee."

\*\*Old City Development, LLC, a Florida Limited Liability Company,  
Grantor  
**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, 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 service (hereinafter referred  
to as "Utility Lines and Associated Equipment") over and upon the real  
property described on Exhibit A attached hereto (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;

A Grantor reserves the right and privilege to use and occupy and to grant to  
others the right to use and occupy:

- 1) the surface and air space over the Easement Area for any purpose  
which consistent with the rights herein granted to Grantee; and
- 2) 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 Water Lines and Associated Appurtenances 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 the 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 relocation 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 which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor's successor and assigns shall be responsible for maintaining any water lines between the water meter and the improvements serviced 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 surface improvements or structures. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements or structures which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall insure 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.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seal to be hereunto affixed as of the day and year first above written.

Signed, Sealed and Delivered  
In the presence of:

Michael A. Davis

Witness

Michael A. Davis

Witness Print Name

Debbie Taylor

Witness

Debbie Taylor

Old City Development, LLC

By: [Signature]  
Managing Member

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of JUNE, 2006, by MICHAEL PIESCO who has produced as identification or is personally known to me.



[Signature]  
Notary Public, State of Florida

Print Name

Commission Expires \_\_\_\_\_

# EXHIBIT "A" to Easement

## UTILITY EASEMENT DESCRIPTIONS

### EASEMENT "A"

AN UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 48; THENCE N 49°42'30" E ALONG THE SOUTH LINE OF SAID SECTION 48 A DISTANCE OF 948.78 FEET; THENCE N 00°35'00" W ALONG THE EAST LINES OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 890, PAGE 372 AND OFFICIAL RECORDS BOOK 777, PAGE 1482 ALL OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY 913.15 FEET; THENCE N 88°01'26" E ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 692, PAGE 672 OF THE PUBLIC RECORDS OF SAID ST. JOHNS, A DISTANCE OF 101.33 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT; THENCE S 00°51'20" E A DISTANCE OF 45.23 FEET; THENCE S 88°01'26" W, A DISTANCE OF 6.10 FEET; THENCE S 01°58'34"E, A DISTANCE OF 7.58 FEET; THENCE N 88°39'11" E, A DISTANCE OF 22.47 FEET; THENCE N 01°58'34" W, A DISTANCE OF 7.83 FEET; THENCE S 88°01'26" W, A DISTANCE OF 6.37 FEET; THENCE N 00°51'20" W, A DISTANCE OF 45.23 FEET TO SAID SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 692, PAGE 672; THENCE S 88°01'26" W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED EASEMENT CONTAINS 625.5 SQ. FT. MORE OR LESS.

THE BASIS OF BEARING FOR THE AFOREDESCRIBED EASEMENT IS THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WHOSE ASSUMED BEARING BEARS S 10°22'35" E.

### EASEMENT "B"

AN UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 48; THENCE N 49°42'30" E ALONG THE SOUTH LINE OF SAID SECTION 48 A DISTANCE OF 948.78 FEET; THENCE N 00°35'00" W ALONG THE EAST LINES OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 890, PAGE 372 AND OFFICIAL RECORDS BOOK 777, PAGE 1482 ALL OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY 913.15 FEET; THENCE N 88°01'26" E ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 692, PAGE 672 OF THE PUBLIC RECORDS OF SAID ST. JOHNS, A DISTANCE OF 208.06 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT; THENCE S 00°51'20" E A DISTANCE OF 45.05 FEET; THENCE S 88°01'26" W, A DISTANCE OF 10.64 FEET; THENCE S 01°58'34"E, A DISTANCE OF 4.07 FEET; THENCE N 88°18'43" E, A DISTANCE OF 29.50 FEET; THENCE N 01°58'34" W, A DISTANCE OF 4.22 FEET; THENCE S 88°01'26" W, A DISTANCE OF 8.86 FEET; THENCE N 00°51'20" W, A DISTANCE OF 45.05 FEET TO SAID SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 692, PAGE 672; THENCE S 88°01'26" W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED EASEMENT CONTAINS 572.9 SQ. FT. MORE OR LESS.

THE BASIS OF BEARING FOR THE AFOREDESCRIBED EASEMENT IS THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WHOSE ASSUMED BEARING BEARS S 10°22'35" E.

### EASEMENT "C"

AN UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

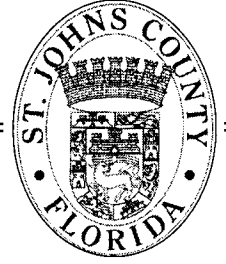
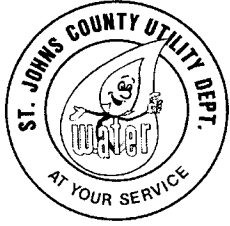
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 48; THENCE N 49°42'30" E ALONG THE SOUTH LINE OF SAID SECTION 48 A DISTANCE OF 948.78 FEET; THENCE N 00°35'00" W ALONG THE EAST LINES OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 890, PAGE 372 AND OFFICIAL RECORDS BOOK 777, PAGE 1482 ALL OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY 913.15 FEET; THENCE N 88°01'26" E ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 692, PAGE 672 OF THE PUBLIC RECORDS OF SAID ST. JOHNS, A DISTANCE OF 448.72 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT; THENCE S 00°51'20" E A DISTANCE OF 45.15 FEET; THENCE S 88°51'56" W, A DISTANCE OF 10.53 FEET; THENCE S 01°08'04"E, A DISTANCE OF 4.15 FEET; THENCE N 88°16'46" E, A DISTANCE OF 24.87 FEET; THENCE N 01°08'04" W, A DISTANCE OF 3.89 FEET; THENCE S 88°51'56" W, A DISTANCE OF 4.34 FEET; THENCE N 00°51'20" W, A DISTANCE OF 45.30 FEET TO SAID SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 692, PAGE 672; THENCE S 88°01'26" W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED EASEMENT CONTAINS 552.2 SQ. FT. MORE OR LESS.

THE BASIS OF BEARING FOR THE AFOREDESCRIBED EASEMENT IS THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WHOSE ASSUMED BEARING BEARS S 10°22'35" E.

# ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners



P.O. Box 3006  
St. Augustine, Florida 32085-3006  
Phone: (904) 471-2161 • Toll Free: 1-877-837-2311  
Administrative Fax: (904) 461-7619  
Billing Dept. Fax: (904) 461-3995

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## INTEROFFICE MEMORANDUM

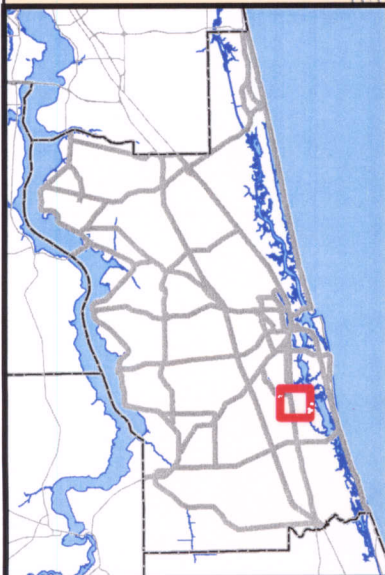
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**To:** Nanette Bradbury, Real Estate Coordinator  
**From:** Samuel T. Ramirez, Utility Development Manager  
**Subject:** Ancient City Plaza  
**Date:** July 3, 2006

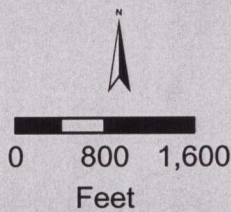
Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Ancient City Plaza.

After acceptance by BCC, please provide the utility department with a copy of the executed resolution and a recorded copy of the Easement for the utilities for our files.

Your support and cooperation as always are greatly appreciated.



**GENERAL  
LOCATION MAP**



Map Prepared: 7/3/2006

\*Depicts General Project Boundary

**Easement for  
Utilities for  
water service to  
Ancient City Plaza**

File: BCC July 26, 2006



St. Johns County  
Land Mgmt. Systems  
Real Estate