

RESOLUTION NO. 2006- 371

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE HIGH TIDE OFFICE COMPLEX IN SEA GROVE SUBDIVISION.**

**RECITALS**

**WHEREAS**, DONRAD, LP., a Delaware Limited Partnership., 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 High Tide Office Complex in Sea Grove Subdivision; and

**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 the subdivision.

**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 Board of County Commissioners accepts the above described Easement for Utilities.

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

**PASSED AND ADOPTED** this 31 day of October, 2006.

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

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

**ATTEST:** Cheryl Strickland, Clerk

By: Debra A. Grande  
Deputy Clerk

RENDITION DATE 11-0-06

## Exhibit A to Resolution

Prepared By:  
Richard G. Hathaway, P.A.  
115 Professional Drive, Suite 101  
Ponte Vedra Beach, FL 32082

Return To:  
Richard G. Hathaway, P.A.  
115 Professional Drive, Suite 101  
Ponte Vedra Beach, FL 32082

### EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 25<sup>th</sup> day of May, 2006, by **DonRad, LP** with an address of 221 North Forest Dune Drive, St. Augustine, FL 32080 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**."

#### 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, encumbrances of record and the following:

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 is consistent with the rights herein granted to Grantee; and

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- 2) the 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 or intentional wrongdoing.

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.

WITNESSES:

DONRAD, LP, a Delaware Limited Partnership

Mary C. Woerner  
Print: Mary C. Woerner

By: Don Radbill  
Don Radbill, President  
221 North Forest Dune Drive  
St. Augustine, FL 32080

Beth Keener  
Print: Beth Keener

STATE OF FLORIDA  
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 22 day of May, 2006 by Don Radbill, the President DonRad, LP., a Delaware limited partnership, on behalf of the partnership. He is personally known to me or has produced a valid Driver's License as identification and did take an oath.

F. Diane Moore  
Notary Public, State of Florida at Large  
Serial Number: DD464501

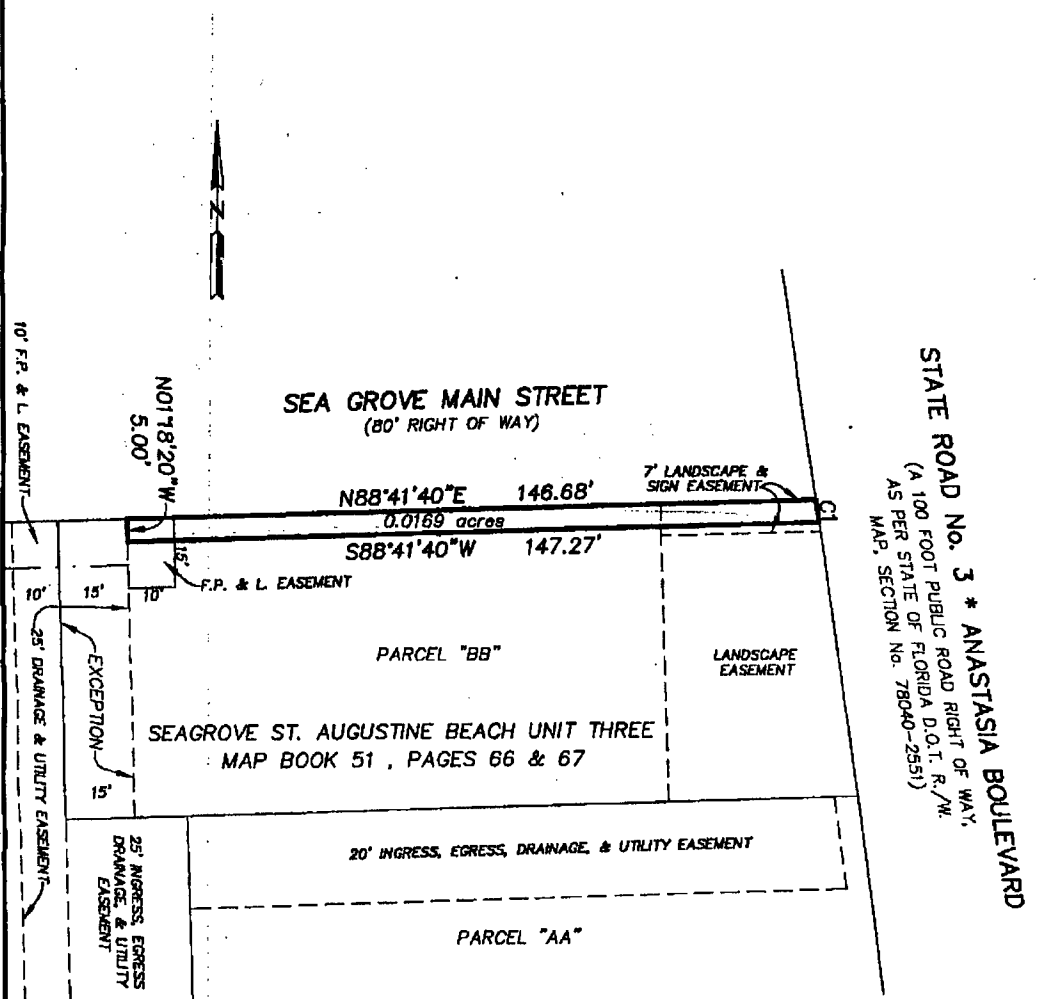


# Exhibit A to Easement

## MAP SHOWING SKETCH OF

The Northerly 5 feet of Parcel "BB", Except the Westerly 15 feet thereof, as shown on the PLat of SeaGrove Unit Three as recorded in Map Book 51, Pages 66, & 67 of the Public records of St. Johns County, Florida.

Containing 0.0169 acres, more or less.



STATE ROAD No. 3 \* ANASTASIA BOULEVARD  
 (A 100 FOOT PUBLIC ROAD RIGHT OF WAY,  
 AS PER STATE OF FLORIDA D.O.T. R./M.  
 MAP, SECTION No. 78040-2551)

CURVE C1  
 R=5679.58'  
 D=0°03'03"  
 L=5.03'  
 CH=5.03'  
 CB=S08°00'07"E

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

- NOTES**
- Bearings are based on the North r/w line of High Tide Drive as Being: (South 88°41'40" West)
  - This is a Sketch Only
  - Elevations shown thru (N.S.D.) 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 skip 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.

LEGEND		DATE
⊙	DENOTES CONCRETE MONUMENT	JANUARY 26, 2005
○	DENOTES FENCE	SCALE
○	DENOTES 1/2" IRON PIPE SET WITH CAP, E. MILLER & ASSOC.	1" = 30'
●	DENOTES IRON PIPE FOUND (AS NOTED)	JOB No.
X	DENOTES CROSS CUT	2004-348-7
		page
		F.B.
		Comp. File
		UTILITIESMT
		Drawn by
		WEA

**RICHARD A. MILLER & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 6701 BEACH BLVD., SUITE #200  
 JACKSONVILLE, FLORIDA 32216  
 Fax (904) 721-5758  
 Tele. (904) 721-1228

THIS IS TO CERTIFY THAT THE SKETCH OF LEGAL DESCRIPTION WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE HIGHEST TECHNICAL STANDARDS, AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND SET FORTH BY CHAPTER 1107-1.0, (formerly CHAPTER 1101-1.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 473.22(1), FLORIDA STATUTES.  
 BY: *Richard A. Miller*  
 RICHARD A. MILLER, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 3848

ABBREVIATION	DEFINITION	ABBREVIATION	DEFINITION
P.C.P.M.	Permanent Control Point	L.S.	Licensed Surveyor
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.O.C.	Point of Curvature	EQUIP	Equipment
P.O.I.	Point of Intersection	A/C	Air Conditioner
P.O.R.	Point of Reverse Curvature	C.A.T.V.	Cable Television
P.O.S.	Point of Sighting	OLS	Overhead Lines
R/W	Right of Way	F.M.	Field Measured
O.R.V.	Official Records Volume	R	Radius equals
AGE	Age	Arc L	Arc Length equals
B.R.L.	Building Restriction Line	Ch =	Chord Bearing & Distance equals
Easmt	Easement	Delta or Central Angle equals	
		IP	Iron Pipe
		Cons.	Concrete

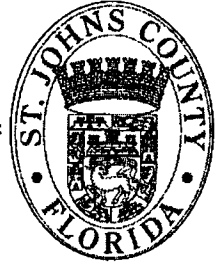
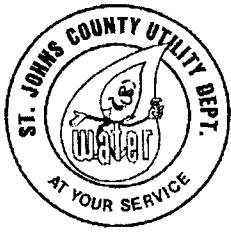
I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA. WITNESS MY HAND AND OFFICIAL SEAL THIS 11 DAY OF SEPTEMBER, 2006.  
 CHERYL STROCKLAND, CLERK  
 BY: *[Signature]* D.C.



Exhibit B to Resolution

**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**

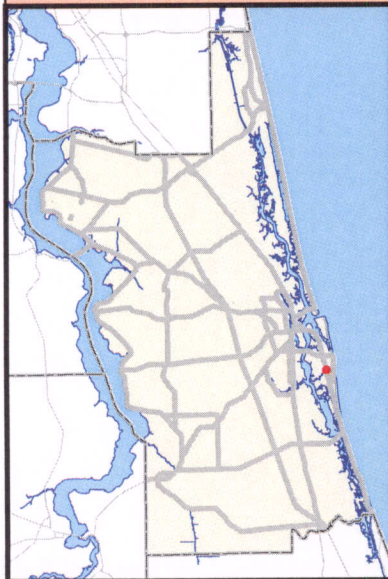
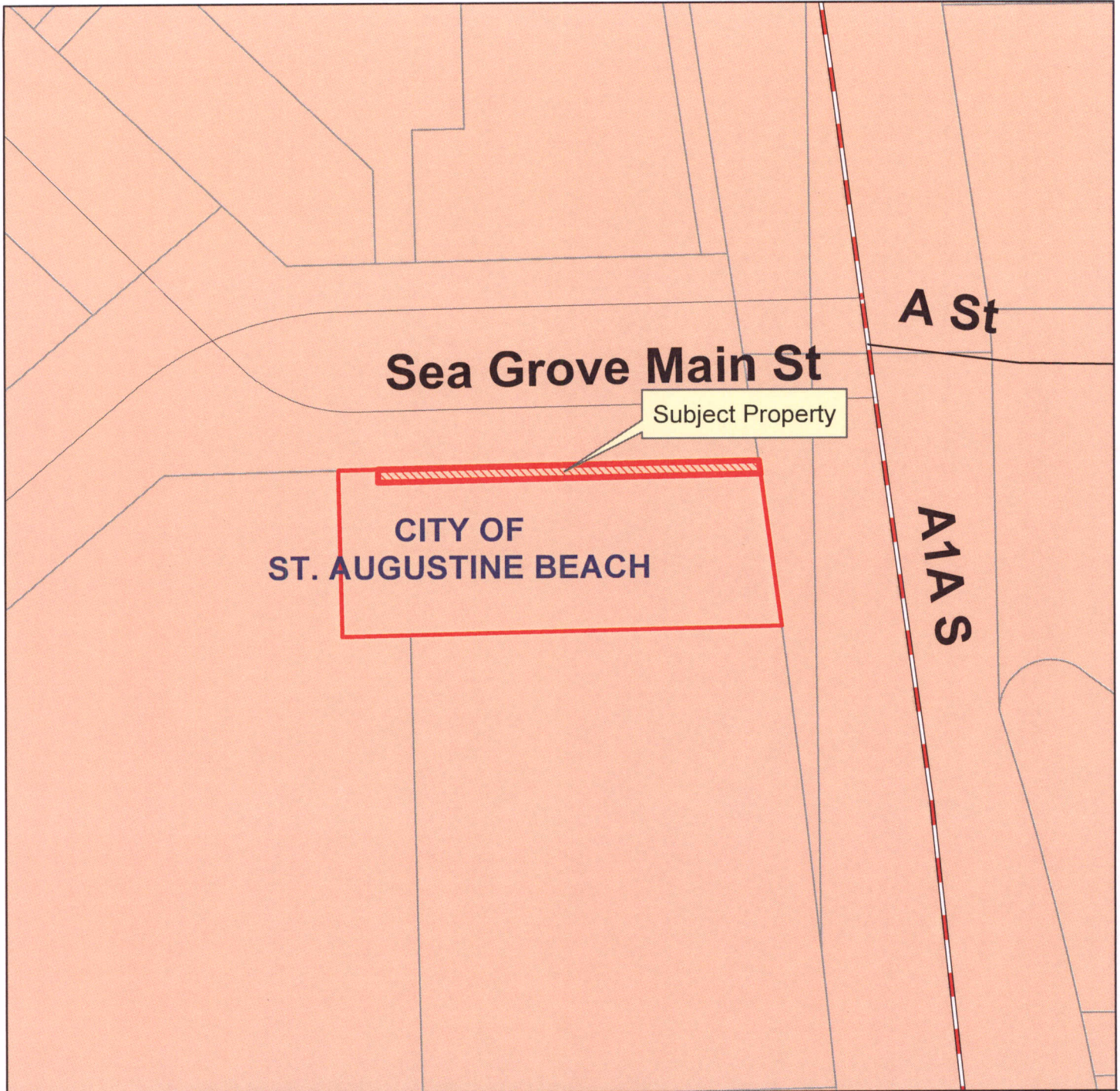
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**To:** Nanette Bradbury, Real Estate Coordinator  
**From:** Vickie Battell, Construction Tech III -- Utility Engineering  
**Subject:** High Tide Office Complex  
**Date:** October 3, 2006

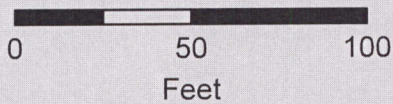
Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of High Tide Office Complex.

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: 10/11/2006  
\*Depicts General Project Boundary

**Utility Easement  
for High Tide  
Office Complex  
in Seagrove  
Unit 3**

File:

*Subdivision*



St. Johns County  
Land Mgmt. Systems  
Real Estate