

RESOLUTION NO. 2006-40

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER SERVICES TO ISLES OF THE WORLD AT WORLD GOLF VILLAGE SUBDIVISION LOCATED ON ROYAL PINES PARKWAY.

RECITALS

WHEREAS, Whitehall Homes at World Golf, Ltd., a Florida limited partnership, has executed and presented to the County a Corrective Easement for Utilities for water services to serve Isles of the World at World Golf Village Subdivision, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the original Easement submitted by the Developer had an incorrect grantor's name and was not approved by the Board prior to being recorded in the public records, therefore a corrective Easement is needed; 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.

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 Corrective Easement for Utilities is hereby accepted by the Board of County Commissioners.

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

PASSED AND ADOPTED this 21st day of February, 2006.

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

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

ATTEST: Cheryl Strickland, Clerk

By: Alicia No Grande
Deputy Clerk

RENDITION DATE 2-23-06



CORRECTIVE EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 6 day of February, 2006, By **WHITEHALL HOMES AT WORLD GOLF, LTD.**, a Florida limited partnership with an address of 290 Cocoanut Avenue, Sarasota, Florida, 34236, 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**."

THIS CORRECTIVE EASEMENT IS BEING GIVEN TO REFLECT THE CORRECT NAME OF THE GRANTOR SHOWN ON THE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2616 PAGES 374-377 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

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:

WHITEHALL HOMES AT
WORLD GOLF, LTD., a
Florida limited partnership

Lynn Lakel
Witness

By: Ronald Mustari
Ronald Mustari
Its: President

Lynn Lakel
Witness Print Name

Byron R McDonald
Witness

Byron McDonald
Witness Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this 6th day of February, 2006, by Whitehall Homes at World Golf, Ltd., Ronald Mustari, its President who has produced _____ as identification or is personally known to me.

LYNN LAKEL
Notary Public, State of Florida
My Comm. Expires Dec 11, 2009
No. DD498234

Lynn Lakel
Notary Public, State of Florida

Lynn Lakel
Print Name

Dec. 11, 2009
Commission Expires

MAP SHOWING BOUNDARY SURVEY OF:

A PORTION OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOGETHER WITH A PORTION OF SECTION 44, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ALSO BEING THE PORTION OF NORTHWEST PARCEL 13 OF ST. JOHNS COUNTY, FLORIDA

MASTER WATER METER

A PORTION OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOGETHER WITH A PORTION OF SECTION 44, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF "NORTHWEST PARCEL 13" AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 766 AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE MOST SOUTHWESTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 766, SAID POINT BEING BEING THE MOST SOUTHWESTERLY CORNER OF PROPOSED ISLES OF THE WORLD, PHASE 1; THENCE NORTH 87°31'39" EAST ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 766, A DISTANCE OF 48.81' TO A POINT ON THE WESTERLY RIGHT OF WAY OF ROYAL PINES PARKWAY (VARIABLE WIDTH RIGHT OF WAY); THENCE NORTH 02°39'10" WEST, A DISTANCE OF 229.72 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 82°54'49" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 620.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°50'54", AN ARC DISTANCE OF 20.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 07°07'05" EAST; THENCE SOUTH 82°54'49" EAST, A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 600.00 FEET, SAID CURVE BEING THE WESTERLY RIGHT OF WAY LINE OF ROYAL PINES PARKWAY (VARIABLE WIDTH RIGHT OF WAY), AND THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 766; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°54'36", AN ARC DISTANCE OF 20.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 07°07'09" WEST, 20.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 400.02 SQUARE FEET, OR 0.01 ACRE MORE OR LESS.

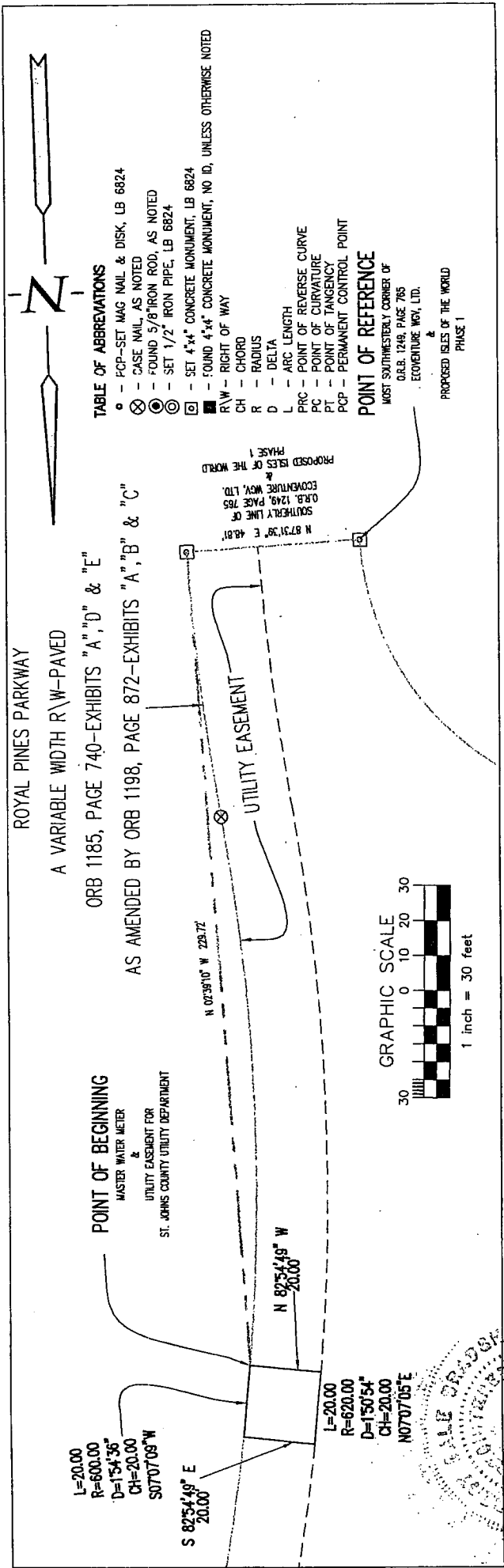


TABLE OF ABBREVIATIONS

- -- FCP-SET MAG NAIL & DISK, LB 6824
- ⊗ -- CASE NAIL, AS NOTED
- ⊙ -- FOUND 5/8" IRON ROD, AS NOTED
- ⊕ -- SET 1/2" IRON PIPE, LB 6824
- ⊖ -- SET 4"x4" CONCRETE MONUMENT, LB 6824
- ⊗ -- FOUND 4"x4" CONCRETE MONUMENT, NO ID, UNLESS OTHERWISE NOTED
- R/W -- RIGHT OF WAY
- CH -- CHORD
- R -- RADIUS
- D -- DELTA
- L -- ARC LENGTH
- PRC -- POINT OF REVERSE CURVE
- PC -- POINT OF CURVATURE
- PT -- POINT OF TANGENCY
- PCP -- PERMANENT CONTROL POINT

POINT OF REFERENCE
 MOST SOUTHWESTERLY CORNER OF
 O.R.B. 1249, PAGE 766
 REVENUE WAY, LTD.
 PROPOSED ISLES OF THE WORLD
 PHASE 1

GENERAL NOTES:

1. BEARINGS ARE BASED ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF ROYAL PINES PARKWAY AS BEING SOUTH 26°15'38" EAST.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND PRIVETT-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.

PRIVETT-NILES and ASSOCIATES, INC.
 SURVEYING AND MAPPING CONSULTANTS
 LICENSED BUSINESS NO. 6824
 3000 N. ST. AUGUSTINE, FLORIDA 32084
 (904) 829-2591 FAX: (904) 829-5070

I HEREBY CERTIFY THAT THIS MAP, GRAPHICALLY DEPICTS THE RESULTS OF A SURVEY MADE UNDER MY PERSONAL SUPERVISION AND COMPIES WITH THE LATEST MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS PROMULGATED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES; SUBJECT TO ALL NOTES AND NOTATIONS APPEARING HEREON.

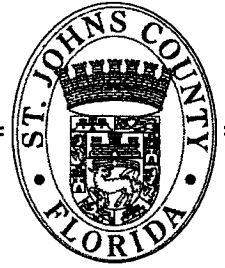
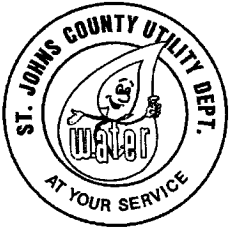
DATE OF SIGNATURE: 11/18/2005

ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

Exhibit "A" to Easement

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

INTEROFFICE MEMORANDUM

To: Nanette Bradbury, Real Estate Coordinator
From: Samuel T. Ramirez, Utility Development Manager
Subject: Isles of the World @ WGV
Date: January 24, 2006

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Isles of the World @ WGV (water meter).

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: 2/6/2006
*Depicts General Project Boundary

**Utility Easement for
Isles of the World
at World Golf Village**

File: BCC February 21, 2006



St. Johns County
Land Mgmt. Systems
Real Estate