

RESOLUTION NO. 2007- 119

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TERMINATION OF EASEMENT AND NEW GRANT OF EASEMENT FOR WATER AND SEWER SERVICE TO THE SHOPPES OF ST. JOHNS OAKS AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE TO TERMINATION OF EASEMENT AND NEW GRANT OF EASEMENT.

RECITALS

WHEREAS, The Shoppes of St. Johns Oaks, LLC, a Florida limited liability company, formerly known as The Shoppes at Nocatee Landing, 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 The Shoppes of St. Johns Oaks, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, there were three original Easements for Utilities recorded in Official Records Book 2781 Page 353, Official Records Book 2815 Page 1609 and Official Records Book 2828 Page 1 all of the public records of St. Johns County. These Easements are being terminated due to a scrivener's error in the legal descriptions and the Grantor was incorrect on all easements; 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.

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 Easement and New Grant of Easement is hereby accepted by the Board of County Commissioners and the Chairman of the Board is hereby authorized to execute the Termination of Easement and New Grant of Easement.

Section 3. The Clerk of the Court is instructed to record the original Termination 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 1st day of May, 2007.

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

By: Ben Rich
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Robert L. Plouf
Deputy Clerk

RENDITION DATE 5/3/07

Prepared by:
St. Johns County Real Estate Division
4020 Lewis Speedway
St. Augustine FL 32084

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

THIS INSTRUMENT is made this _____ day of _____, 2007, by and between **THE SHOPPES OF ST. JOHNS OAKS, LLC.**, a Florida limited liability company, formerly known as, **THE SHOPPES AT NOCATEE LANDING LLC**, a Florida limited liability company, ("Grantor"), whose address is 3740 St. Johns Bluff Road South #16, Jacksonville, Florida 32224, and **ST. JOHNS COUNTY, FLORIDA**, a Political Subdivision of the State of Florida, ("Grantee"), whose address is 4020 Lewis Speedway, St. Augustine FL 32084.

WITNESSETH:

WHEREAS, Business Condos USA, LLC, a Florida limited liability company granted three easements for a sewer and water services and access thereto, over and across the easement parcels contained in those certain Easements dated September 13, 2006, and recorded in Official Records Book 2781 Page 353, Easement dated November 2, 2006 and recorded in Official Records Book 2815 Page 1609 and Easement dated December 4, 2006 and recorded in Official Records Book 2828 Page 1 all of the public records of St. Johns County, Florida (the "Original Easements"); and

WHEREAS, Grantor and Grantee have agreed to terminate the Original Easements since the original Grantor was not the fee title holder of the property 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 Easements.
2. Grantor does hereby and by these presents assign, convey, remise, release and grant unto Grantee a new Easement, over, under and across the parcel or parcels of real property described on "Exhibit A" attached hereto and by reference made a part hereof (the "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.

**THE SHOPPES OF ST. JOHNS OAKS, LLC
formerly known as THE SHOPPES OF
NOCATEE LANDING, LLC**

Signed, sealed and delivered
In the presence of:

Sign: [Signature]
Print Name: Thomas Kelly

By: [Signature]
Title: Manager

Sign: [Signature]
Print Name: Elizabeth Wilca

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 28th day of March, 2007, by James Brady of _____ Who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public
My Commission Expires:



RENA I. DOMINGUS
My Commission # DD 207461
Expires: April 30, 2007

Signed and sealed in the
Presence of:

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

Witness _____

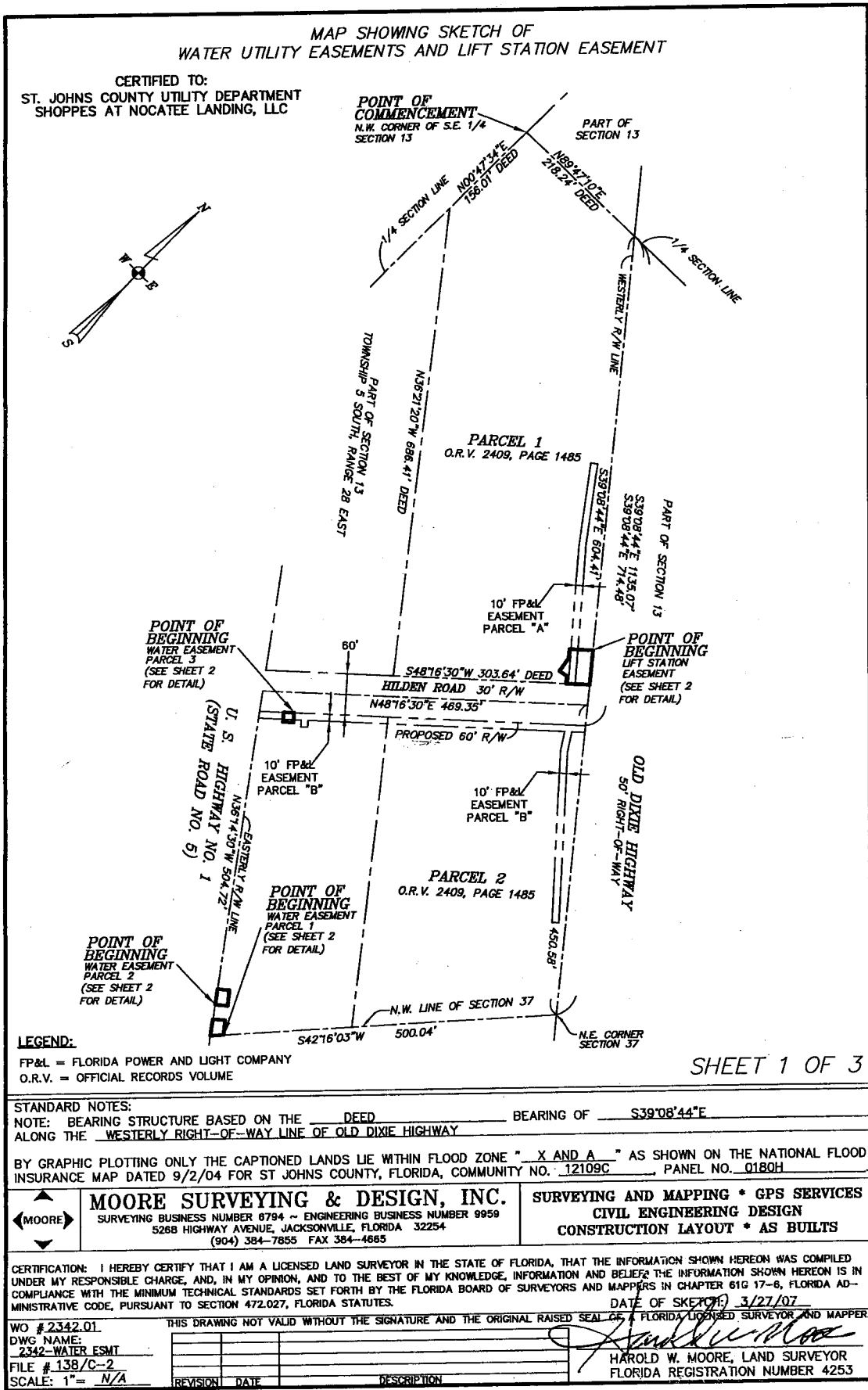
By: _____
Ben Rich, Chairman

Witness

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Ben Rich, Chairman of the Board of County Commissioners of St. Johns County, Florida. Who is personally known to me.

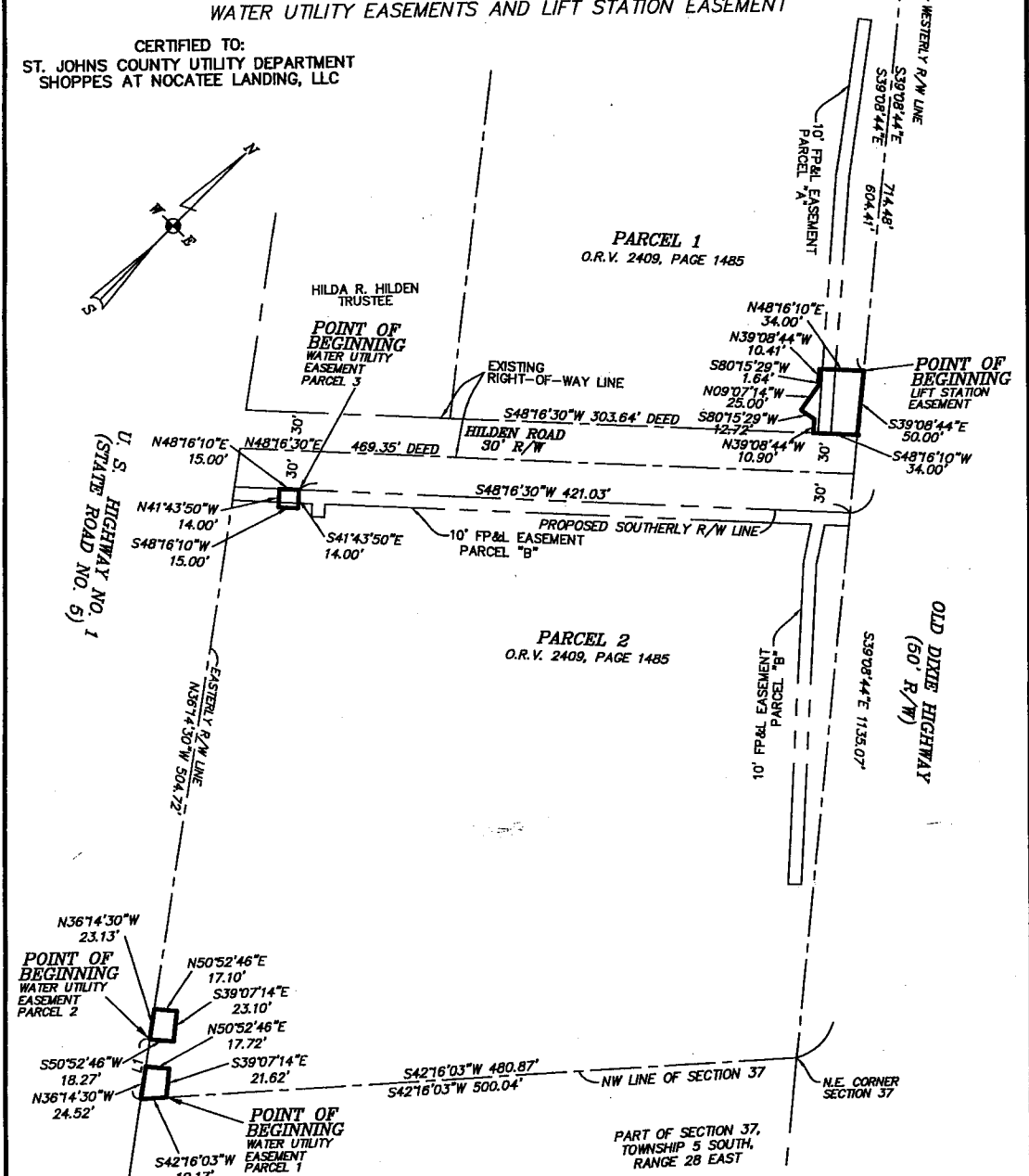
Notary Public
My Commission Expires:



MAP SHOWING SKETCH OF
WATER UTILITY EASEMENTS AND LIFT STATION EASEMENT

CERTIFIED TO:
ST. JOHNS COUNTY UTILITY DEPARTMENT
SHOPPES AT NOCATEE LANDING, LLC

MATCH SHEET 1



LEGEND:

FP&L = FLORIDA POWER AND LIGHT COMPANY
O.R.V. = OFFICIAL RECORDS VOLUME

LINE TABLE

L1	N36°14'30"W	45.62'
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SHEET 2 OF 3

STANDARD NOTES:
NOTE: BEARING STRUCTURE BASED ON THE DEED BEARING OF S39°08'44"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY

BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X AND A" AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED 9/2/04 FOR ST JOHNS COUNTY, FLORIDA, COMMUNITY NO. 12109C, PANEL NO. 01B0H

<p>MOORE SURVEYING & DESIGN, INC. SURVEYING BUSINESS NUMBER 8794 - ENGINEERING BUSINESS NUMBER 9959 5268 HIGHWAY AVENUE, JACKSONVILLE, FLORIDA 32254 (904) 384-7855 FAX 384-4665</p>	<p>SURVEYING AND MAPPING * GPS SERVICES CIVIL ENGINEERING DESIGN CONSTRUCTION LAYOUT * AS BUILT</p>

CERTIFICATION: I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF FLORIDA, THAT THE INFORMATION SHOWN HEREON WAS COMPILED UNDER MY RESPONSIBLE CHARGE, AND, IN MY OPINION, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G 17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE OF SKETCH: 3/27/07

THIS DRAWING NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WO # 2342.01
DWG NAME: 2342-WATER ESMT
FILE # 138/C-2
SCALE: 1" = 100'

REVISION	DATE	DESCRIPTION

HAROLD W. MOORE, LAND SURVEYOR
 FLORIDA REGISTRATION NUMBER 4253

**MAP SHOWING SKETCH OF
WATER UTILITY EASEMENTS AND LIFT STATION EASEMENT**

**CERTIFIED TO:
ST. JOHNS COUNTY UTILITY DEPARTMENT
SHOPPES AT NOCATEE LANDING, LLC**

WATER UTILITY EASEMENT: PARCEL 1

A PARCEL OF LAND BEING A PART OF GOVERNMENT LOT 2, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID LAND BEING AN IRREGULAR SHAPED EASEMENT LYING IN AND BEING PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 2409, PAGE 1485 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE NORTH 89°47'10" EAST ALONG THE QUARTER SECTION LINE OF SAID SECTION 13, A DISTANCE OF 218.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY, HAVING A RIGHT-OF-WAY WIDTH OF 50.00 FEET AS IT IS NOW ESTABLISHED; THENCE SOUTH 39°08'44" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 1,135.07 FEET TO THE NORTHEAST CORNER OF SECTION 37; THENCE SOUTH 42°16'03" WEST, ALONG NORTHWEST LINE OF SECTION 37, A DISTANCE OF 480.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 42°16'03" WEST, A DISTANCE OF 19.17 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 (STATE ROAD NO. 5); THENCE NORTH 36°14'30" WEST, ALONG SAID RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1, A DISTANCE OF 24.52 FEET; THENCE NORTH 50°52'46" EAST, A DISTANCE OF 17.72 FEET; THENCE SOUTH 39°07'14" EAST, A DISTANCE OF 21.82 FEET TO THE POINT OF BEGINNING. CONTAINING 421 SQUARE FEET, MORE OR LESS.

WATER UTILITY EASEMENT: PARCEL 2

A PARCEL OF LAND BEING A PART OF GOVERNMENT LOT 2, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID LAND BEING AN IRREGULAR SHAPED EASEMENT LYING IN AND BEING PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 2409, PAGE 1485 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE NORTH 89°47'10" EAST ALONG THE QUARTER SECTION LINE OF SAID SECTION 13, A DISTANCE OF 218.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY, HAVING A RIGHT-OF-WAY WIDTH OF 50.00 FEET AS IT IS NOW ESTABLISHED; THENCE SOUTH 39°08'44" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 1,135.07 FEET TO THE NORTHEAST CORNER OF SECTION 37; THENCE SOUTH 42°16'03" WEST, ALONG SAID SECTION LINE, A DISTANCE OF 500.04 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 (STATE ROAD NO. 5); THENCE NORTH 36°14'30" WEST, ALONG SAID RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1, A DISTANCE OF 45.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 36°14'30" WEST, A DISTANCE OF 23.13 FEET; THENCE NORTH 50°52'46" EAST, A DISTANCE OF 17.10 FEET; THENCE SOUTH 39°07'14" EAST, A DISTANCE OF 23.10 FEET; THENCE SOUTH 50°52'46" WEST, A DISTANCE OF 18.27 FEET TO THE POINT OF BEGINNING. CONTAINING 408 SQUARE FEET, MORE OR LESS.

WATER UTILITY EASEMENT: PARCEL 3

A PARCEL OF LAND BEING A PART OF GOVERNMENT LOT 2, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID LAND BEING A RECTANGULAR SHAPED EASEMENT LYING IN AND BEING PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 2409, PAGE 1485 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE NORTH 89°47'10" EAST ALONG THE QUARTER SECTION LINE OF SAID SECTION 13, A DISTANCE OF 218.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY, HAVING A RIGHT-OF-WAY WIDTH OF 50.00 FEET AS IT IS NOW ESTABLISHED; THENCE SOUTH 39°08'44" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 714.48 FEET TO THE PROPOSED SOUTHERLY RIGHT-OF-WAY LINE OF HILDEN ROAD (A 60-FOOT RIGHT-OF-WAY AS SHOWN ON THE SHOPPES OF ST JOHNS OAKS/ OAKS BUSINESS CENTER CONSTRUCTION PLANS PREPARED BY NORTH BEACH ENGINEERING, DATED OCTOBER 2005); THENCE SOUTH 48°16'30" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 421.03 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 41°43'50" EAST, A DISTANCE OF 14.00 FEET; THENCE SOUTH 48°16'30" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 41°43'50" WEST, A DISTANCE OF 14.00 FEET; THENCE NORTH 48°16'30" EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 210 SQUARE FEET, MORE OR LESS.

LIFT STATION EASEMENT

A PARCEL OF LAND BEING A PART OF GOVERNMENT LOT 2, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID LAND BEING AN IRREGULAR SHAPED EASEMENT LYING IN AND BEING PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 2409, PAGE 1485 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE NORTH 89°47'10" EAST ALONG THE QUARTER SECTION LINE OF SAID SECTION 13, A DISTANCE OF 218.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY, HAVING A RIGHT-OF-WAY WIDTH OF 50.00 FEET AS IT IS NOW ESTABLISHED; THENCE SOUTH 39°08'44" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 604.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 39°08'44" EAST, A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF HILDEN ROAD, (A 30 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 48°16'10" WEST, ALONG SAID RIGHT-OF-WAY LINE OF HILDEN ROAD, A DISTANCE OF 34.00 FEET; THENCE NORTH 39°08'44" WEST, A DISTANCE OF 10.90 FEET; THENCE SOUTH 80°15'29" WEST, A DISTANCE OF 12.72 FEET; THENCE NORTH 09°00'14" WEST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 80°15'29" WEST, A DISTANCE OF 1.64 FEET; THENCE NORTH 39°08'44" WEST, A DISTANCE OF 10.41 FEET; THENCE NORTH 48°16'10" EAST, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,837 SQUARE FEET, MORE OR LESS.

LEGEND:

FP&L = FLORIDA POWER AND LIGHT COMPANY
O.R.V. = OFFICIAL RECORDS VOLUME

SHEET 3 OF 3

STANDARD NOTES:

NOTE: BEARING STRUCTURE BASED ON THE DEED BEARING OF S39°08'44"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY

BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE " X AND A " AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED 9/2/04 FOR ST JOHNS COUNTY, FLORIDA, COMMUNITY NO. 12109C, PANEL NO. 0180H



MOORE SURVEYING & DESIGN, INC.
SURVEYING BUSINESS NUMBER 6794 ~ ENGINEERING BUSINESS NUMBER 9959
5268 HIGHWAY AVENUE, JACKSONVILLE, FLORIDA 32254
(904) 384-7855 FAX 384-4665

**SURVEYING AND MAPPING * GPS SERVICES
CIVIL ENGINEERING DESIGN
CONSTRUCTION LAYOUT * AS BUILTS**

CERTIFICATION: I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF FLORIDA, THAT THE INFORMATION SHOWN HEREON WAS COMPILED UNDER MY RESPONSIBLE CHARGE, AND, IN MY OPINION, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G 17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. DATE OF SKETCH: 7/27/07

WO # 2342.01
DWG NAME: 2342-WATER ESMT
FILE # 138/C-2
SCALE: 1" = 100'

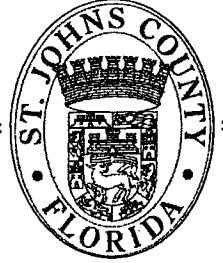
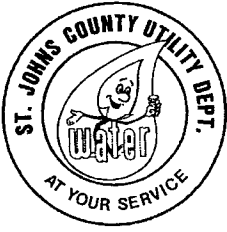
THIS DRAWING NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISION	DATE	DESCRIPTION

Harold W. Moore
HAROLD W. MOORE, LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 4253

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: Vickie Battell, Construction Tech III – Utility Engineering
Subject: Shoppes of St Johns Oaks aka Shoppes of Nocatee
Date: January 30, 2007

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Shoppes of St Johns Oaks aka Shoppes of Nocatee.

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.