

RESOLUTION NO. 2007- 121

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO BELLE HAVEN OF ST. AUGUSTINE CONDOMINIUM.

RECITALS

WHEREAS, St. Augustine Properties, 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 Belle Haven of St. Augustine Condominium; 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.

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 1st day of May, 2007.

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

By: Ben Rich
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Robin L. Peden
Deputy Clerk

RENDITION DATE 5/3/07

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

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 10 day of April, 2007, by **ST. AUGUSTINE PROPERTIES, LLC**, a Florida limited liability company, with an address of 4475 US #1 South Suite 504, St. Augustine, FL 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".

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor agrees 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, replace 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 services (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.

TO HAVE AND TO HOLD, unto Grantee, his successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

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 (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) 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.

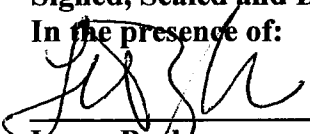
3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, 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.

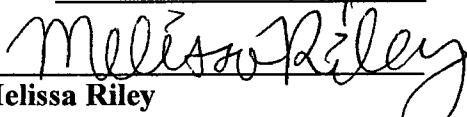
5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

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:**




Larry Paylor

Print: LARRY E. Paylor


Melissa Riley

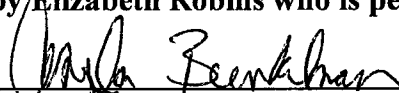
Print: Melissa Riley

By: 

Elizabeth Robins
Its: Managing Member

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

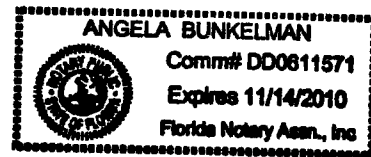
The forgoing instrument was acknowledged before me this 10th day of April, 2007 by Elizabeth Robins who is personally known to me.



Angela Bunkelman

Print: Angela Bunkelman

Commission expires: 11/14/2010



MAP SHOWING SPECIFIC PURPOSE SURVEY OF:
 A PORTION OF GOVERNMENT LOT 8, SECTION 18, TOWNSHIP 8
 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA

TEMPORARY UTILITY EASEMENT

A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 870, PAGE 1244 AND THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2540, PAGE 1346 AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 30 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2130, PAGE 1778 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 49°30'07" WEST, A DISTANCE OF 60.00 FEET THENCE SOUTH 59°05'46" WEST, A DISTANCE OF 13.85 FEET TO A POINT ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 330.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°35'41", AN ARC LENGTH OF 216.53 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 77°53'37" WEST, 212.67 FEET; THENCE NORTH 83°18'33" WEST, A DISTANCE OF 5.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 630.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°44'11", AN ARC LENGTH OF 151.04 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 76°26'27" WEST, 150.88 FEET TO THE SOUTHEASTERLY CORNER OF SOUTHWOOD LAKE DRIVE, A 60 FOOT RIGHT OF WAY AS SHOWN ON THE PLAT OF SOUTHWOOD P.U.D., PHASE 1B, PHASE 1 AS RECORDED IN MAP BOOK 410, PAGES 98-99 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY; THENCE NORTH 20°25'38" EAST ALONG THE EASTERLY LINE OF SAID SOUTHWOOD DRIVE A DISTANCE OF 60.00 FEET TO THE NORTHEASTERLY CORNER OF SAID SOUTHWOOD LAKE DRIVE AND A POINT ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 570.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°44'14", AN ARC LENGTH OF 136.66 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 76°26'27" WEST, 136.34 FEET; THENCE SOUTH 83°18'33" EAST, A DISTANCE OF 5.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING RADIUS OF 270.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°35'41", AN ARC LENGTH OF 177.16 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 77°53'37" EAST, 174.00 FEET; THENCE NORTH 59°05'46" EAST, A DISTANCE OF 8.81 FEET; THENCE NORTH 49°30'07" EAST, A DISTANCE OF 69.96 FEET; THENCE SOUTH 40°29'53" EAST, A DISTANCE OF 60.00 FEET; SOUTH 49°30'07" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,793 SQUARE FEET OR 0.59 ACRES, MORE OR LESS.

PROJECT NO. 600-004
 REVISION#1 04/09/2007 CHANGE STREET NAME ON SKETCH TO CRESTWOOD DRIVE

- GENERAL NOTES:
1. THIS SURVEY IS BASED ON THE SOUTHERLY LINE OF SOUTHWOOD P.U.D., PHASE 1A, UNIT 1, AS BEING SOUTH 86°06'17" WEST, AS RECORDED IN MAPBOOK 31, PAGES 8 THROUGH 13 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY.
 2. THIS IS A SPECIFIC PURPOSE MAP SHOWING SKETCH AND DESCRIPTION ONLY AND DOES NOT PURPORT ANY WETLAND JURISDICTION OF ANY FEDERAL, STATE, COUNTY OR LOCAL AGENCY. THIS IS NOT A BOUNDARY SURVEY AND NOT FIELD VERIFIED.
 3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNING AND PRIVETT-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACKS, OVERHEAD LINES, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS, WHICH MAY BE RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY.
 4. CONSERVATION EASEMENT LINE PROVIDED BY A CAD FILE, DRAWING "200306a3", DATED 10/27/03 FROM ZEN COHEN & ASSOCIATES.
 5. THIS IS A TWO PAGE DOCUMENT AND NOT VALID UNLESS BOTH SHEETS ARE PRESENT.

SHEET 1 OF 2

I HEREBY CERTIFY, that this map graphically depicts the results of a sketch made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mapping Consultants, Chapter 61717-6, Florida Administrative Code, Part 61717.027, Florida Statutes, subject to all notes and notations shown hereon.

11/13/06
 DATE OF SIGNATURE

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

PRIVETT-NILES and ASSOCIATES, INC.
 SURVEYING AND MAPPING CONSULTANTS
 LICENSED BUSINESS No. 6824
 3000 N. PONCE DE LEON BOULEVARD, SUITE "D"
 ST. AUGUSTINE, FLORIDA 32084
 (904) 829-2591 FAX: (904) 829-5070

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:
 A PORTION OF GOVERNMENT LOT 8, SECTION 18, TOWNSHIP 8
 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA

CRESTWOOD DRIVE
 (MAP BOOK 36, PAGES 30-33)
 40' R/W - PAVED
 60' R/W - PAVED
 SOUTHWOOD LAKE DRIVE
 (MAP BOOK 36, PAGES 30-33)
 60' R/W - PAVED
 40' R/W - PAVED
 60' R/W - PAVED
 40' R/W - PAVED
 60' R/W - PAVED
 40' R/W - PAVED

SOUTHWOOD P.U.D., PHASE 1B, PHASE B
 (MAP BOOK 40, PAGES 98-99)

LANDS NOW OR FORMERLY OWNED BY
 MODERN PROPERTIES OF ST. AUGUSTINE, INC.
 OFFICIAL RECORDS BOOK 2540, PAGE 1346

LANDS NOW OR FORMERLY OWNED BY
 MODERN PROPERTIES OF ST. AUGUSTINE, INC.
 OFFICIAL RECORDS BOOK 1697, PAGE 951



PROJECT NO. 600-004
 REVISION#1 04/09/2007 CHANGE STREET NAME ON SKETCH TO CRESTWOOD DRIVE

GENERAL NOTES:
 1. THIS SURVEY IS BASED ON THE SOUTHERLY LINE OF SOUTHWOOD P.U.D., PHASE 1A, UNIT 11, AS BEING SOUTH 86°09'17" WEST, AS BEING SHOWN THROUGH 13 OF THE PLATS OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.
 2. THIS IS A SPECIFIC PURPOSE MAP SHOWING SKETCH AND DESCRIPTION ONLY AND DOES NOT PURPORT ANY WETLAND JURISDICTION OF ANY FEDERAL, STATE, COUNTY OR LOCAL AGENCY. THIS IS NOT A BOUNDARY SURVEY AND NOT FIELD VERIFIED.
 3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSTOOD 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.
 4. A CONSERVATION EASEMENT LINE PROVIDED BY A CAD FILE, DRAWING "520003m3", DATED 10/27/03 FROM ZEY COHEN & ASSOCIATES, IS SHOWN FOR INFORMATION ONLY.
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REVISIONS:

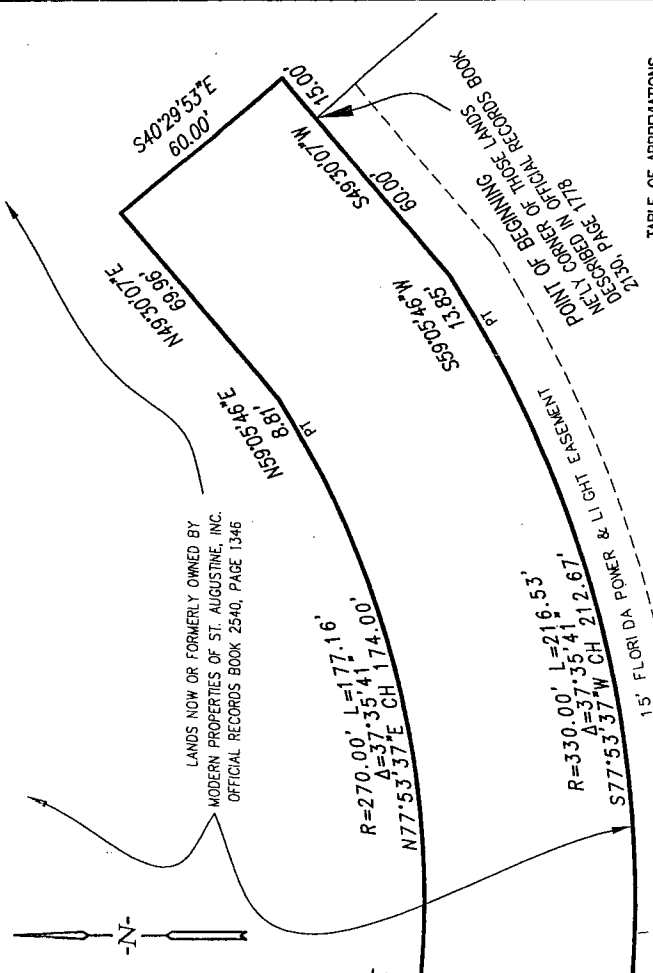


TABLE OF ABBREVIATIONS

CH	- CHORD
R	- RADIUS
D	- DELTA
L	- ARC LENGTH
PC	- POINT OF CURVATURE
PT	- POINT OF TANGENCY
FF&L	- FLORIDA POWER & LIGHT
R/W	- RIGHT OF WAY

LANDS NOW OR FORMERLY OWNED BY
 MODERN PROPERTIES OF ST. AUGUSTINE, INC.
 OFFICIAL RECORDS BOOK 2130, PAGE 1778

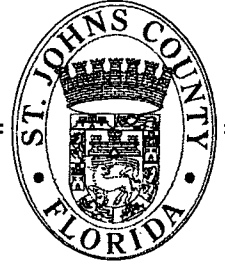
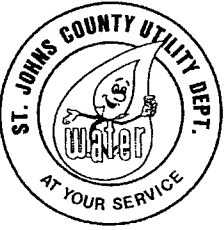
SHEET 2 OF 2

PRIVETT-NILES and ASSOCIATES, INC.
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I HEREBY CERTIFY, that this map graphically depicts the results of a sketch made under my responsible direction and complies 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 shown hereon.
 11/13/08
 DATE OF SIGNATURE
 ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

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: Belle Haven (aka Southwood Multi-Family Ph II)
Date: April 12, 2007

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Belle Haven (aka Southwood Multi-Family Ph II).

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.