

RESOLUTION NO. 2007- 287

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND PUBLIC NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE A FIFTEEN (15) FOOT WIDE EASEMENT ACROSS A PRIVATE ROAD AND DIRECTING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS.

RECITALS

WHEREAS, St. Johns County, Florida (“County”) finds that it is necessary and essential for the protection of the health, safety and welfare of the inhabitants of the County to acquire an easement through condemnation for drainage purposes; and

WHEREAS, Chapter 127, Florida Statute, authorizes the County to exercise the right and power of eminent domain for certain public uses and purposes; and

WHEREAS, the County’s exercise of this power to condemn an interest in real property, for the purpose of relieving drainage issues by installing drainage under a private road is a proper public purpose; and

WHEREAS, the St. Johns River Water Management District has issued an Emergency Permit to the County to enable construction of the drainage route, and the County has secured all necessary drainage easements except for a subject interest in real property, as described in Exhibit “A,” attached hereto, incorporated by reference and made a part hereof.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida that:

1. Findings. The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Resolution.
2. Declaration of Necessity. The Board of County Commissioners of St. Johns County declares the public necessity for acquiring, through condemnation by right of eminent domain, a drainage easement as identified in the attached Exhibit “A” for the construction of underground drainage.

3. Acquisition of Drainage Easement. The County shall acquire, through condemnation by right of eminent domain, a drainage easement on real property identified in the attached Exhibit "A" for the above-referenced purposes from the owner and any other persons required by law to be joined in such proceedings.

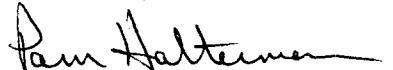
4. Institution of Legal Proceedings. The County Attorney is directed to institute legal proceedings to acquire, through condemnation by the right of eminent domain, an easement across real property identified in the attached Exhibit "A."

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 2nd day of October, 2007.

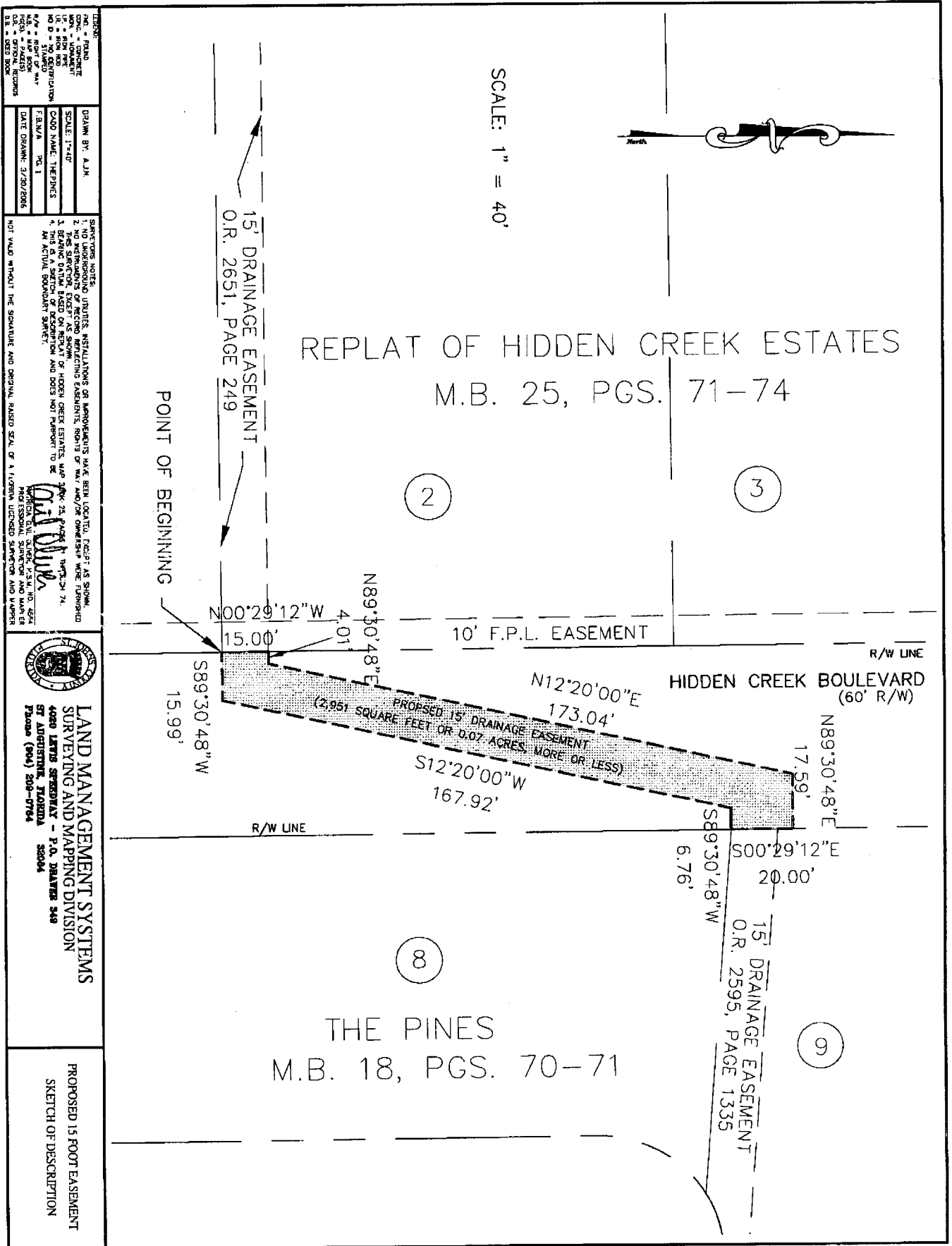
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 10/4/07



PROPOSED 15 FOOT EASEMENT FOR DRAINAGE

A PART OF HIDDEN CREEK BOULEVARD AS NOW ESTABLISHED AS A 60 FOOT RIGHT OF WAY AND AS SHOWN ON THE REPLAT OF HIDDEN CREEK ESTATES AS RECORDED IN MAP 25, PAGES 71 THROUGH 74 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID REPLAT OF HIDDEN CREEK ESTATES; THENCE NORTH 00°29'12" WEST, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID HIDDEN CREEK BOULEVARD, THE SAME BEING THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°30'48" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 4.01 FEET; THENCE NORTH 12°20'00" EAST A DISTANCE OF 173.04 FEET; THENCE NORTH 89°30'48" EAST A DISTANCE OF 17.59 FEET; THENCE SOUTH 00°29'12" EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID HIDDEN CREEK BOULEVARD, THE SAME BEING THE WESTERLY LINE OF LOT 9 AS SHOWN OF THE PLAT OF THE PINES AS RECORDED IN MAP BOOK 18, PAGES 70 AND 71 OF SAID PUBLIC RECORDS, A DISTANCE OF 20.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 9 OF THE PINES; THENCE SOUTH 89°30'48" WEST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 6.76 FEET; THENCE SOUTH 12°20'00" WEST A DISTANCE OF 167.92 FEET, THENCE SOUTH 89°30'48" WEST A DISTANCE OF 15.99 FEET TO THE POINT OF BEGINNING. CONTAINING 2,951 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.