

RESOLUTION NO. 2007- 56

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 2.56 ACRES AND 5,600 SQ. FT. OF WETLANDS OFF STRATTON ROAD TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF THE STRATTON ROAD TRANSFER STATION.

RECITALS

WHEREAS, the Florida Department of Environmental Protection (FDEP) has issued Permit No. 55-268850-001-ES for wetlands mitigation related to the Stratton Road Transfer Station project where wetlands are impacted; and

WHEREAS, the construction of the solid waste transfer facility and storm water management system project will require the 2.56 acres and 5,600 square feet of wetlands preservation off Stratton Road to offset wetland impacts as noted in the attached Conservation Easement, Exhibit "A"; and

WHEREAS, execution of the Conservation Easement and completion of the solid waste transfer facility and storm water management system project would be in the best interest of the County and better serve the health, safety and welfare of the citizens of the community; and

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 County Administrator is authorized to execute the Conservation Easement for the aforementioned 2.56 acres and 5,600 square feet of wetlands preservation off Stratton Road to mitigate impacts associated with the construction of the solid waste transfer facility and storm water management system on Stratton Road.

Section 3. The Clerk is instructed to record the Conservation Easement in the public records of St. Johns County.


PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 20 day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman



ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

REVISION DATE 2/22/07

EXHIBIT "A"

To the Resolution

CONSERVATION EASEMENT DEED

STATE OF FLORIDA

COUNTY OF SAINT JOHNS

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of State of Florida Department of Environmental Protection permit No.55-268850-001-ES to fill a total of 0.30 acres of jurisdictional wetlands for the construction of a solid waste transfer facility and stormwater management system on January 23, 2007, the St. Johns County Board of County Commissioners (Grantor) has granted to **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, whose address is Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000** (Grantee), a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the real property in St. Johns County, Florida, as set forth in the legal description attached hereto as Exhibit "A" and depicted as "Conservation Easement 1" and "Conservation Easement 2" on the attached Exhibit "B".

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

It is the purpose and intent of this Conservation Easement to assure that the subject lands (except that which has been authorized by this permit) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands which are to be protected, shall be maintained forever in the enhanced or created conditions required by the aforementioned permit.

Except for such specific activities as authorized pursuant to Florida Department of Environmental Protection permit number 55-268850-001-ES, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said permit, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground, however, the Department may approve such passive recreational structures as boardwalks, gazebos, or similar piling-supported structures subject to additional permitting;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas, and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned permit, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominately in the vegetative and hydrologic condition as herein specified shall run with land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Second Judicial Circuit, in Leon County, Florida. In any enforcement action in which the Grantee prevail, grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned permit. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403 and 373, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal on this ___ day of _____, 2007.

Signed, sealed, and delivered in our presence of:

WITNESS GRANTOR

WITNESS GRANTOR

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before this _____ (date) by _____ (name of person acknowledging), who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

(SEAL)

SIGNATURE

PRINT NAME

TITLE

SERIAL NUMBER

EXHIBIT "A"
To the Conservation Easement

**St. Johns County Transfer Station
Conservation Easement 1**

A portion of Section 41, the Reuben Charles Grant, Township 5 South, Range 29 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 2264, page 614 of the public records of said county, being more particularly described as follows.

For a Point of Reference, commence at the Southwesterly corner of those lands described and recorded in Deed Book 58, page 474 of said public records; thence North 52°08'46" East, along the monumented Southerly line of said Deed Book 58, page 474, a distance of 503.10 feet to the Easterly most corner of said Deed Book 58, page 474 as monumented, said corner also being a point lying on the Southwesterly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence North 37°51'42" West, along said Southwesterly right of way line, 635.54 feet; thence South 52°08'18" East, departing said Southwesterly right of way line, 116.97 feet to the Point of Beginning.

From said Point of Beginning, thence South 13°11'54" West, 29.72 feet; thence South 21°42'17" West, 31.33 feet; thence South 77°25'53" West, 5.93 feet; thence South 28°26'03" West, 57.55 feet; thence South 32°45'22" West, 77.93 feet; thence South 39°37'17" West, 20.09 feet; thence South 30°02'02" West, 50.55 feet; thence South 44°11'09" West, 85.16 feet; thence South 34°50'14" West, 61.00 feet; thence South 31°00'13" West, 66.46 feet; thence South 30°10'19" West, 60.81 feet; thence South 30°41'00" West, 37.48 feet; thence South 30°35'42" West, 38.14 feet; thence South 30°40'44" West, 55.02 feet; thence South 30°06'54" West, 27.21 feet; thence South 28°46'56" West, 5.84 feet; thence South 29°52'32" West, 8.26 feet; thence South 14°02'45" West, 16.94 feet; thence South 16°21'31" West, 13.58 feet; thence South 14°19'20" West, 23.06 feet; thence South 14°27'34" West, 20.69 feet; thence South 37°51'06" East, 22.29 feet; thence South 09°45'57" East, 1.82 feet; thence South 50°23'26" East, 3.95 feet; thence South 37°05'38" East, 45.15 feet; thence South 63°42'23" West, 27.34 feet; thence South 62°43'30" West, 25.24 feet; thence South 63°02'00" West, 27.11 feet; thence South 63°43'56" West, 61.53 feet; thence South 63°16'04" West, 45.74 feet; thence South 24°06'26" West, 134.63 feet; thence South 24°01'00" West, 37.00 feet; thence North 70°45'20" West, 97.91 feet; thence North 18°56'10" East, 144.27 feet; thence North 32°32'20" East, 508.24 feet; thence North 41°19'23" East, 400.53 feet; thence North 52°08'18" East, 123.55 feet to the Point of Beginning.

Containing 2.56 acres, more or less.

SKETCH TO ACCOMPANY DESCRIPTION

A PORTION OF SECTION 41, THE REUBEN CHARLES GRANT, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2264, PAGE 614 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.

LINE	BEARING	DISTANCE
L1	S52°08'18"W	116.97'
L2	S13°11'54"W	29.72'
L3	S21°42'17"W	31.33'
L4	S77°25'53"W	5.93'
L5	S28°26'03"W	57.55'
L6	S32°45'22"W	77.93'
L7	S39°37'17"W	20.09'
L8	S30°02'02"W	50.55'
L9	S44°11'09"W	85.16'
L10	S34°50'14"W	61.00'
L11	S31°00'13"W	66.46'
L12	S30°10'19"W	60.81'
L13	S30°41'00"W	37.48'
L14	S30°35'42"W	38.14'
L15	S30°40'44"W	55.02'
L16	S30°06'54"W	27.21'
L17	S28°46'56"W	5.84'
L18	S29°52'32"W	8.26'
L19	S14°02'45"W	16.94'
L20	S16°21'31"W	13.58'
L21	S14°19'20"W	23.06'
L22	S14°27'34"W	20.69'

LINE	BEARING	DISTANCE
L23	S37°51'06"E	22.29'
L24	S09°45'57"E	1.82'
L25	S50°23'26"E	3.95'
L26	S37°05'38"E	45.15'
L27	S63°42'23"W	27.34'
L28	S62°43'30"W	25.24'
L29	S63°02'00"W	27.11'
L30	S63°43'56"W	61.53'
L31	S63°16'04"W	45.74'
L32	S24°06'26"W	134.63'
L33	S24°01'00"W	37.00'
L34	N70°45'20"W	97.91'
L35	N18°56'10"E	144.27'
L36	N52°08'18"E	123.55'

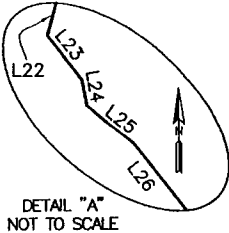
GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



POINT OF BEGINNING
PROPOSED
ST. JOHNS COUNTY
TRANSFER STATION
CONSERVATION EASEMENT 1
2.56 ACRES ±

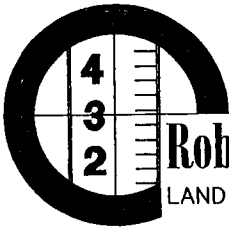


NOTES
1) THIS IS NOT A SURVEY.
2) BEARINGS BASED ON THE SOUTHERLY LINE DEED BOOK 58, PAGE 474 AS MONUMENTED AS BEING NORTH 52°08'46" EAST.

POINT OF REFERENCE
SW.ly CORNER
D.B. 58, PG. 474

LEGEND
C/L CENTERLINE
O.R.B. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
PG. PAGE
R/W RIGHT OF WAY
F.E.C. FLORIDA EAST COAST
L1 TABULATED LINE DATA

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



Robert M. Angas Associates, inc.
LAND SURVEYORS, PLANNERS AND CIVIL ENGINEERS
SINCE 1924

Damon J. Kelly
DAMON J. KELLY
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LS No. 6284

14775 St. Old Augustine Road, Jacksonville, FL. 32258 Tel: (904) 642-8550
Certificate of Authorization No.: LB 3624

SCALE: 1"=200' DATE: OCTOBER 6, 2006

EXHIBIT "B"
To the Conservation Easement

**St. Johns County Transfer Station
Conservation Easement 2**

A portion of Section 41, the Reuben Charles Grant, Township 5 South, Range 29 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Deed Book 58, page 474 of the public records of said county, being more particularly described as follows.

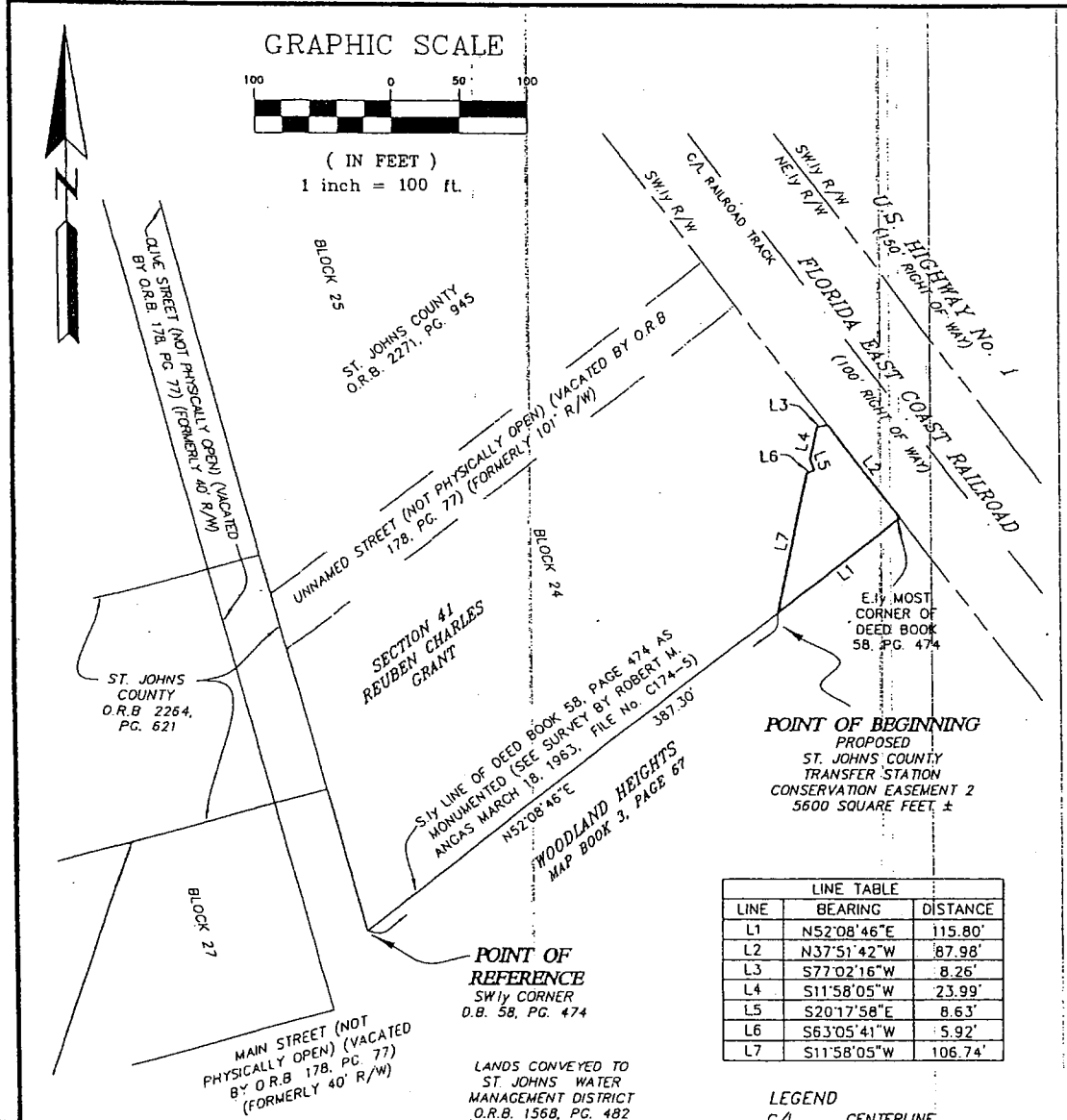
For a Point of Reference, commence at the Southwesterly corner of said Deed Book 58, page 474; thence North $52^{\circ}08'46''$ East, along the monumented Southerly line of Deed Book 58, page 474, a distance of 387.30 feet to the Point of Beginning.

From said Point of Beginning, thence continue North $52^{\circ}08'46''$ East, along said monumented Southerly line of Deed Book 58, page 474, a distance of 115.80 feet to the Easterly most corner of said Deed Book 58, page 474 as monumented, said corner also being a point lying on the Southwesterly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence North $37^{\circ}51'42''$ West, along said Southwesterly right of way line, 87.98 feet; thence South $77^{\circ}02'16''$ West, departing said Southwesterly right of way line, 8.26 feet; thence South $11^{\circ}58'05''$ West, 23.99 feet; thence South $20^{\circ}17'58''$ East, 8.63 feet; thence South $63^{\circ}05'41''$ West, 5.92 feet; thence South $11^{\circ}58'05''$ West, 106.74 feet to the Point of Beginning.

Containing 5600 square feet, more or less.

SKETCH TO ACCOMPANY DESCRIPTION

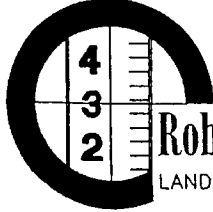
A PORTION OF SECTION 41, THE REUBEN CHARLES GRANT, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN DEED BOOK 58, PAGE 474 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N52°08'46"E	115.80'
L2	N37°51'42"W	87.98'
L3	S77°02'16"W	8.26'
L4	S11°58'05"W	23.99'
L5	S20°17'58"E	8.63'
L6	S63°05'41"W	5.92'
L7	S11°58'05"W	106.74'

NOTES

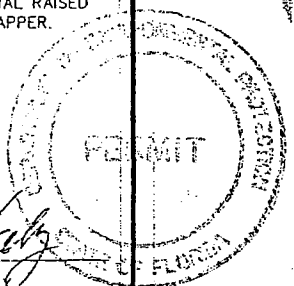
- 1) THIS IS NOT A SURVEY.
- 2) BEARINGS BASED ON THE SOUTHERLY LINE DEED BOOK 58, PAGE 474 AS MONUMENTED AS BEING NORTH 52°08'46" EAST.



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Cam Kell
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SCALE: 1"=100' DATE: OCTOBER 6, 2006