

RESOLUTION NO. 2008- 133

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE GRANT OF EASEMENT AND RELEASE OF EASEMENT FOR DRAINAGE PURPOSES ALONG FRUIT COVE DRIVE NORTH AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE EASEMENT.**

**RECITALS**

**WHEREAS**, James H. Jaxon, Cynthia C. Jaxon, Sarah J. Hendrix and Nicola V. Pluff, have executed and presented a Corrective Grant of Easement and Release of Easement to St. Johns County for drainage purposes along Fruit Cove Drive North, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, James H. Jaxon and Cynthia C. Jaxon, granted an easement to St. Johns County dated July 27, 2007, and recorded in Official Records Book 2958 Page 1512 of the public records of St. Johns County, Florida (the "Original Easement") which was recorded prior to submittal to the County; and

**WHEREAS**, the surveyor made an error in the legal description therefore a new easement has been submitted with the corrected legal description which includes the adjacent property owner. The original easement must be corrected and the original easement needs to be released to create a clear chain of title for the property owners and the County; and

**WHEREAS**, it is in the best interest of the County to accept the Easement to insure proper drainage for the safety of the citizens in the area.

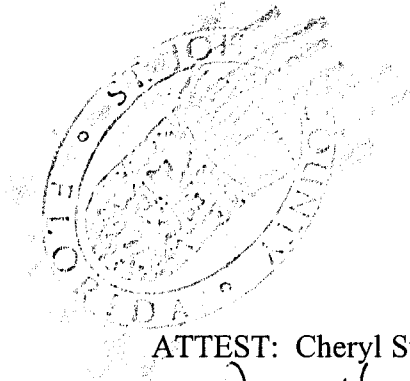
**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, as follows:

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

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

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 13<sup>th</sup> day of May, 2008.



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

By: \_\_\_\_\_

*Thomas G. Manuel*  
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By: \_\_\_\_\_

*Pam Halteman*

Deputy Clerk

RENDITION DATE 5/14/08

Exhibit "A" to Resolution

**THIS INSTRUMENT WAS PREPARED BY**

Jeffrey B. Marks, Esq.  
Ryan and Marks Attorneys, LLP  
3000-8 Hartley Road  
Jacksonville, FL 32257

**RECORD AND RETURN TO:**

Ms. Laurie Ford  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

**CORRECTIVE GRANT OF EASEMENT AND  
RELEASE OF EASEMENT**

**THIS INSTRUMENT** is executed and given by and between James H. Jaxon and Cynthia C. Jaxon, his wife, with an address of 2226 Hammocks Oaks Drive, Jacksonville, FL 32223, and by Sarah J. Hendrix and Nicola V. Pluff, both unmarried, with an address of 1261 Ortagus Lane, Jacksonville, Florida 32259, hereinafter collectively called "Grantor", to St. Johns County, Florida, a Political Subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the "Grantee".

**WITNESSETH:**

On July 27, 2007, James H. Jaxon and Cynthia C. Jaxon executed and delivered to Grantee a certain Grant of Easement recorded in Official Records Volume 2958, Page 1512-1514, of the public records of St. Johns County. On February 29, 2008, James H. Jaxon and Cynthia C. Jaxon conveyed a portion of their property to Sarah J. Hendrix and Nicola V. Pluff by Warranty Deed recorded in Official Records Volume 3055, Page 760 of the public records of St. Johns County, Florida. It has been determined that the legal descriptions on Exhibit "A" of said Grant of Easement contain errors. It is the purpose of this instrument to correct the errors and to release the property that was erroneously described in said Grant of Easement from said Grant of Easement.

**WITNESSETH:**

**NOW THEREFORE**, in consideration of the sum of Ten and No/100 Dollars and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby gives, grants, dedicates, and conveys to Grantee, its successors and assigns forever, an unobstructed right-of-way and non-exclusive permanent easement with the right, privilege, and authority to Grantee, its successors and assigns, to construct, operate, lay, maintain, improve, and repair either above or below the surface of the ground, drainage facilities and utilities on, along, over, through, across, or under the following described land, situate in St. Johns County, Florida, to wit:

Property as described on Exhibit "A" incorporated by reference and made a part hereof.

**TOGETHER WITH**, the right to Grantee, its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful, or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under, or in lands, together with the right, easements, privileges, and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

**RELEASE.** Grantee hereby releases, terminates, and cancels the Grant of Easement recorded in Official Records Volume 2958, Page 1512-1514 of the public records of St. Johns County, Florida.

**IN WITNESS WHEREOF,** Grantor has hereunto set hand and seal on the dates indicated.

Signed and sealed in our presence as witnesses:

*Jeffrey B. Marks*  
Signature of Witness  
Jeffrey B. Marks  
Printed Name of Witness  
*Rhonda S. Dye*  
Signature of Witness  
Rhonda S. Dye  
Printed Name of Witness

*[Signature]*  
James H. Jaxon  
Date: 3/31/08, 2008  
*Cynthia C. Jaxon*  
Cynthia C. Jaxon  
Date: 3/31/08, 2008

*Jeffrey B. Marks*  
Signature of Witness  
Jeffrey B. Marks  
Printed Name of Witness  
*Rhonda S. Dye*  
Signature of Witness  
Rhonda S. Dye  
Printed Name of Witness

*[Signature]*  
Sarah J. Hendrix  
Date: 3/31/08, 2008  
*Nicola V. Pluff*  
Nicola V. Pluff  
Date: 3/31/08, 2008

STATE OF FLORIDA }  
COUNTY OF DUVAL }

This instrument was acknowledged before me this 31st day of March, 2008, by James H. Jaxon and Cynthia C. Jaxon, his wife. They are personally known to me.

{SEAL}  
My Commission Expires October 29, 2010  
#DD587270  
Notary Public, State of Florida

*[Signature]*  
Notary Public  
Commission No.

STATE OF FLORIDA }  
COUNTY OF DUVAL }

This instrument was acknowledged before me this 31st day of March, 2008, by Sarah J. Hendrix and Nicola V. Pluff. They are personally known to me or produced CURRENT FLORIDA DRIVER'S LICENSE(S) as identification.

{SEAL}  
My Commission Expires October 29, 2010  
#DD587270  
Notary Public, State of Florida

*[Signature]*  
Notary Public  
Commission No.

BOARD OF COUNTY COMMISSIONERS  
St. Johns County, Florida

BY: \_\_\_\_\_

Thomas G. Manuel, Chairman

Date: \_\_\_\_\_, 2008

**ATTEST:** Cheryl Strickland, Clerk

BY: \_\_\_\_\_  
Deputy Clerk

STATE OF FLORIDA }

COUNTY OF ST. JOHNS}

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2008, by Thomas G. Manuel, Chairman of the Board of County Commissioners of St. Johns County, Florida, on behalf of the County, who is personally known to me or has produced \_\_\_\_\_ as identification.

{SEAL}

My commission expires:

\_\_\_\_\_  
Notary Public  
Commission No.

## Exhibit A to Easement

Part of the West 400 feet of the East 800 feet of the South 165 feet of Government Lot 3, Section 31, Township 4 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows: Commence at the intersection of the Northerly right-of-way line of Fruit Cove Drive (60' R/W) with the Easterly right-of-way line of Fruit Cove Road; thence North 86° 16' 10" East, along said Northerly right-of-way line of said Fruit Cove Drive, 548.46 feet; thence North 01° 29' 24" West 150.14 feet to the point of beginning. Thence continue North 01° 29' 24" West, 15.01 feet; thence North 86° 16' 36" East, 399.46 feet; thence South 01° 24' 45" East, 15.01 feet; thence South 86° 16' 36" West, 399.44 feet to the point of beginning.

and

Part of the West 400 feet of the East 800 feet of the South 165 feet of Government Lot 3, Section 31, Township 4 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows: Commence at the intersection of the Northerly right-of-way line of Fruit Cove Drive (60' R/W) with the Easterly right-of-way line of Fruit Cove Road; thence North 86° 16' 10" East along said Northerly right-of-way line of said Fruit Cove Drive, 671.15 feet to the point of beginning. Thence continue along said Northerly right-of-way line North 86° 16' 10" East, 20.00 feet; thence North 03° 37' 27" West, 150.01 feet; thence South 86° 16' 36" West, 20.00 feet; thence South 03° 37' 27" East, 150.01 feet to the point of beginning.