

RESOLUTION NO. 2008- 186

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN AMENDMENT TO ROADWAY DRAINAGE EASEMENT AGREEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO JOIN IN THE EXECUTION OF THE AGREEMENT ON BEHALF OF THE COUNTY.

RECITALS

WHEREAS, on June 27, 2006, Sonoc Company, LLC, a Delaware limited liability company ("Sonoc") and Tolomato Community Development District (the "CDD") granted to St. Johns County ("County") that certain Roadway Drainage Agreement ("Agreement") filed July 10, 2006 and recorded in Official Records Book 2739, pages 1767 through 1875, of the public records of St. Johns County, Florida; and

WHEREAS, it was brought to the County's attention that the Parcels CD-7 North and CD-7 South described in the Agreement contained scrivener's errors which needed to be corrected; and

WHEREAS, Sonoc and the CDD desire to correct the errors and have executed an Amendment to Roadway Drainage Agreement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, and have asked the County to join in the execution of the Agreement to acknowledge such corrections; and

WHEREAS, it is in the best interest of the County to join in the execution and accept the Amendment to Roadway Drainage Agreement for the purposes mentioned above.

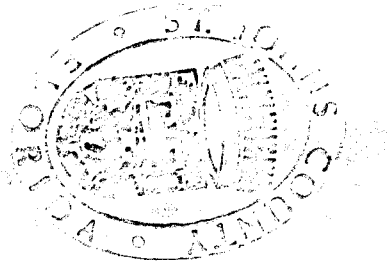
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners as follows:

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 hereby accepts the Amendment to Roadway Drainage Agreement and the Chairman of the Board is authorized to execute the Agreement on behalf of the County.

Section 3. The Clerk of Court is instructed to record the original Amendment to Roadway Drainage Easement Agreement in the public records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 8th day of July, 2008.



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

By:

Thomas G. Manuel
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By:

Pam Halterman
Deputy Clerk

RENDITION DATE 7/11/08

THIS DOCUMENT PREPARED
BY AND RETURN TO:
SPENCER N. CUMMINGS, ESQ.
PAPPAS, METCALF, JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE, SUITE 400
JACKSONVILLE, FLORIDA 32202

AMENDMENT TO ROADWAY DRAINAGE EASEMENT AGREEMENT

[NOCATEE PHASE I ROADWAY DEDICATIONS].

THIS AMENDMENT TO ROADWAY DRAINAGE EASEMENT AGREEMENT (the "Amendment") is made as of the _____ day of _____, 2008, by and between **SONOC COMPANY, LLC**, a Delaware limited liability company ("SONOC"), whose address is 4314 Pablo Oaks Court, Jacksonville, Florida 32224, and **TOLOMATO COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in St. Johns County, Florida (the "CDD"), whose address is 14785-4 St. Augustine Road, Jacksonville, Florida 32258, and **ST. JOHNS COUNTY, FLORIDA** ("County"), a political subdivision of the state of Florida, whose address is 4020 Lewis Speedway St. Augustine, Florida 32085.

RECITALS:

A. On June 27, 2006, SONOC and the CDD, together the Grantor, granted to the County, the Grantee, that certain Roadway Drainage Easement Agreement ("Agreement"), such Agreement being recorded July 10, 2006 in Official Records Book 2739, pages 1767 – 1875, public records of St. Johns County, Florida.

B. Subsequently it was determined that the Parcels CD-7 North and CD-7 South described on Exhibit "A" of the Agreement (pages 1784 and 1785) contained scrivener's errors which needed to be corrected.

C. The parties herein desire to correct such scrivener's errors by amendment to the Agreement.

NOW THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Recitals. The above stated recitals are true and correct and hereby incorporated by reference.

2. Amendment to Legal Description. Exhibit "A" to the Agreement Easement Parcels CD-7 North and CD-7 South as described on pages 1784 and 1785 of the aforesaid records Book are hereby deleted and replaced by the drainage easement parcels described on the Exhibit "A-1" attached to this Amendment. No other legal descriptions described on Exhibit "A" to the Agreement
{00166431.DOC.2}

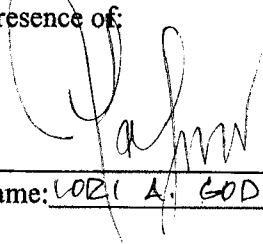
are affected by this Amendment.

3. Ratification. As amended herein, the Agreement shall remain unchanged and in full force and effect.

4. Counterparts. This Amendment may be executed by the parties hereto individually or in combination in one or more counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned have set their hands and seals as of the date first written above.

Signed sealed and delivered
in the presence of:



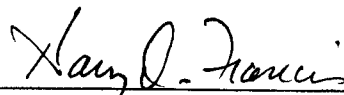
Print Name: LORI A. GODDARD



Print Name: Scott A. Oko

"SONOC"

SONOC COMPANY, LLC, a Delaware limited liability company

By: 

Print Name: Harry D. Francis

Its: Vice President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 6 day of JUNE, 2008, by Harry D. Francis, the Vice President of **SONOC COMPANY, LLC**, a Delaware limited liability company, on behalf of the company.



Print Name: LORI A. GODDARD

NOTARY PUBLIC

State of Florida at Large

Commission # DD518698

My Commission Expires: 4.27.2010

Personally Known or

Produced ID

Type of Identification Produced:

Signed sealed and delivered
in the presence of:

Tina E Downs
Print Name: Tina E Downs

Lauren Owens
Print Name: Lauren Owens

CDD:

**TOLOMATO COMMUNITY
DEVELOPMENT DISTRICT**, a local unit of
special-purpose government established pursuant
to Chapter 190 Florida Statutes

By: *Richard T. Ray*
Print Name: Richard T. Ray
Its: Chairman

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 9th day of
June, 2008, by Richard T. Ray, the Chairman of **TOLOMATO COMMUNITY
DEVELOPMENT DISTRICT**, a local unit of special-purpose government established pursuant to
Chapter 190, Florida Statutes.

Lauren Owens
Print Name: _____

NOTARY PUBLIC

State of Florida at Large

Commission # _____

My Commission Expires _____

Personally Known

Produced ID

Type of Identification Produced:



Signed sealed and delivered
in the presence of:

“COUNTY”

ST. JOHNS COUNTY, FLORIDA, a political
subdivision of the state of Florida

Print Name: _____

By: _____
Print Name: _____
Title: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ___ day of _____,
2008, by _____, the _____ of **ST. JOHNS**
COUNTY, FLORIDA, on behalf of the County.

Print Name: _____

NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires: _____
Personally Known or
Produced ID
Type of Identification Produced:

EXHIBIT "A-1"



Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

14775 Old St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

Revised June 03, 2008
June 1, 2006
Nocatee - Crosswater Parkway

Work Order No. 04-286.06
File No. 117E-35(CD-7N)

**Stormwater Management Facility
Structure "CD-7 North"
(Drainage Easement)**

A portion of Section 63 of the F. P. Sanchez Grant, Township 5 South, Range 29 East, St. Johns County, Florida, also being a portion of Tract "H" of those lands described and recorded in Official Records Book 1462, Page 667, of the public records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Northwest corner of Section 5, said Township 5 South, Range 29 East, St Johns County, Florida, thence North $89^{\circ}28'18''$ East, along the Northerly line of said Section 5, a distance of 284.47 feet to a point lying on the centerline of Crosswater Parkway, a variable width right of way as shown in Map Book 58, pages 42 through 48 of said public records, said point also being a point on a curve concave Northeasterly, having a radius of 1000.00 feet; thence Southeasterly, along said centerline the following eight courses; Course 1, thence Southeasterly, departing said Northerly line and along the arc of said curve, through a central angle of $07^{\circ}43'29''$, an arc length of 134.82 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $25^{\circ}24'52''$ East, 134.72 feet; Course 2, thence South $29^{\circ}16'37''$ East, 346.90 feet to the point of curvature of a curve concave Northeasterly, having a radius of 2865.00 feet; Course 3, thence Southeasterly, along the arc of said curve, through a central angle of $06^{\circ}32'10''$, an arc length of 326.83 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $32^{\circ}32'42''$ East, 326.66 feet; Course 4, thence South $35^{\circ}48'47''$ East, 416.83 feet to the point of curvature of a curve concave Northeasterly, having a radius of 1050.00 feet; Course 5, thence Southeasterly, along the arc of said curve, through a central angle of $30^{\circ}57'25''$, an arc length of 567.31 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $51^{\circ}17'29''$ East, 560.44 feet; Course 6, thence South $66^{\circ}46'12''$ East, 165.61 feet to the point of curvature of a curve concave Southwesterly, having a radius of 1000.00 feet; Course 7, thence Southeasterly, along the arc of said curve, through a central angle of $12^{\circ}23'14''$, an arc length of 216.20 feet to a point lying on said curve, said arc being subtended by a chord bearing and distance of South $60^{\circ}34'35''$ East, 215.78 feet; Course 8, thence North $07^{\circ}15'42''$ East, departing said centerline, 84.38 feet to a point lying on the Northerly right of way line of said Crosswater Parkway, said point also being the Point of Beginning.

From said Point of Beginning, thence North $07^{\circ}15'42''$ East, 107.28 feet; thence South $51^{\circ}32'54''$ East, 100.37 feet; thence South $07^{\circ}15'42''$ West, 102.56 feet, to a point lying on said Northerly right of way line of Crosswater Parkway, said point also being a point on a curve concave Southwesterly, having a radius of 1075.00 feet; thence Northwesterly along said Northerly right of way line and along the arc of said curve, through a central angle of $05^{\circ}13'32''$, an arc length of 98.04 feet to the Point of Beginning, said arc being subtended by a chord bearing and distance of North $53^{\circ}54'23''$ West, 98.01 feet.

Containing 8935 square feet, more or less.



Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

14775 Old St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

Revised June 03, 2008
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From said Point of Beginning, thence Southeasterly along said Southerly right of way line of Crosswater Parkway and the arc of a curve having a radius of 925.00 feet, through a central angle of $05^{\circ}27'33''$, an arc length of 88.13 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South $48^{\circ}38'53''$ East, 88.10 feet; thence South $07^{\circ}15'42''$ West, departing said Southerly right of way line, 74.55 feet; thence North $51^{\circ}32'54''$ West, 85.29 feet; thence North $07^{\circ}15'42''$ East, 79.77 feet to the Point of Beginning.

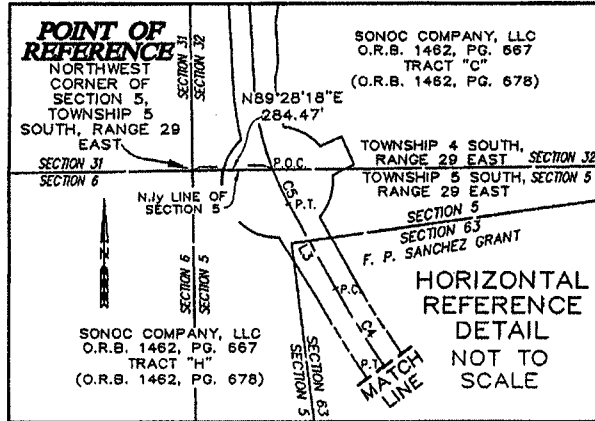
Containing 5691 square feet, more or less.

SKETCH TO ACCOMPANY DESCRIPTION

A PORTION OF SECTION 63 OF THE F.P. SANCHEZ GRANT, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF TRACT "H" OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 667, OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.

NOTES:

- 1) THIS IS NOT A SURVEY.
- 2) BEARINGS SHOWN ARE BASED ON THE NORTHERLY LINE OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 28 EAST, AS BEING NORTH 89° 28' 18" EAST.



MATCH LINE
SEE HORIZONTAL
REFERENCE DETAIL

LEGEND

- P.C. POINT OF CURVATURE
- P.O.C. POINT ON CURVE
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- SQ. SQUARE
- FT. FEET
- R/W RIGHT OF WAY

SONOC COMPANY, LLC
O.R.B. 1462, PG. 667
TRACT "H"
(O.R.B. 1462, PG. 678)

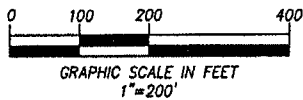
POINT OF BEGINNING

STRUCTURE
CD-7 NORTH
5691 SQ. FT. ±

POINT OF BEGINNING

STRUCTURE
CD-7 SOUTH
5691 SQ. FT. ±

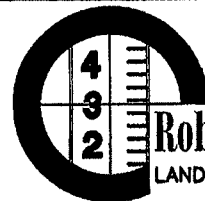
LINE TABLE		
LINE	BEARING	LENGTH
L1	S66°46'12"E	165.61'
L2	S35°48'47"E	416.83'
L3	S29°16'37"E	346.90'
L4	N07°15'42"E	107.28'
L5	S51°32'54"E	100.37'
L6	S07°15'42"W	102.56'
L7	N07°15'42"E	79.77'
L8	N51°32'54"W	85.29'
L9	S07°15'42"W	74.55'
L10	N07°15'42"E	84.38'
L11	S07°15'42"W	86.64'



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD DISTANCE	CHORD BEARING	DELTA
C1	1000.00'	223.54'	223.08'	S60°21'57"E	12°48'29"
C2	1000.00'	216.20'	215.78'	S60°34'35"E	12°23'14"
C3	1050.00'	567.31'	560.44'	S51°17'29"E	30°57'25"
C4	2865.00'	326.83'	326.66'	S32°32'42"E	06°32'10"
C5	1000.00'	134.82'	134.72'	S25°24'52"E	07°43'29"
C6	925.00'	88.13'	88.10'	S48°38'53"E	05°27'33"
C7	1075.00'	98.04'	98.01'	N53°54'23"W	05°13'32"

REVISED JUNE 03, 2008 TO AMEND SCRIVENER'S ERRORS ON SKETCH AND LEGAL DESCRIPTION.

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

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

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

DATE: June 1, 2006 SCALE: 1"=200'

Printed 06-1-08 BJS