

RESOLUTION NO. 2008- 248

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR DRAINAGE TO ALLOW MAINTENENACE OF A DRAINAGE DITCH ON 1ST STREET IN PONCE DE LEON HEIGHTS SUBDIVISION.

RECITALS

WHEREAS, H & M Smarthomes, LLC, a Florida limited liability company, has executed and presented to the County an Easement for drainage, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to allow maintenance of a drainage ditch located on 1st Street in Ponce de Leon Heights Subdivision; and

WHEREAS, St. Johns County Road and Bridge Department has requested the Easement to perform maintenance to the drainage ditch; and

WHEREAS, it is in the best interest of the County to accept these Easements to ensure proper drainage for the health, safety and welfare of the citizens in that area.

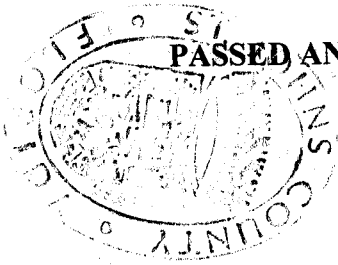
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

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 Grant of Easement attached and incorporated hereto is hereby accepted by the Board of County Commissioners.

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

PASSED AND ADOPTED this 16th day of September, 2008.



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

By: Thomas G. Manuel

Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

Pam Halterman

Deputy Clerk

RENDITION DATE 9/19/08

Exhibit "A" to Resolution

Prepared by:
Laurie Ford
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

GRANT OF EASEMENT

THIS EASEMENT this 18th day of August, 2008, by and between **H & M SMARTHOMES, LLC**, a Florida limited liability company, whose address is 741 A1A Beach Boulevard, St. Augustine, Florida 32080, grantor and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, grantee.

WITNESSTEH, that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the grantor hereby gives, grants, bargains, releases and conveys to the grantee, its successors and assigns forever, an unobstructed right-of-way and perpetual easement with the right, privilege and authority to said grantee, its successors and assigns, to maintain and improve and/or repair the drainage swale located on the following described land situate in St. Johns County, Florida to wit:

The North Eight (8) feet of Lot 11, Block 20, Ponce De Leon Heights, Unit No. 1, according to the plat thereof recorded in Map Book 3, page 73, of the public records of St. Johns County, Florida.

Grantor reserves the right to use the above-described land for any purpose not inconsistent with this easement, including the right to erect a fence around said property. Grantee shall keep the area in a condition that is reflective of, or comparable to the original condition.

TOGETHER with the right of said grantee, its successors and assigns, of ingress and egress to and over said above described premises, which may be required for the use of the rights herein granted.

IN WITNESS WHEREOF, grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in
Our presence as Witnesses:

(sign) Tammy Medley
(print) Tammy Medley

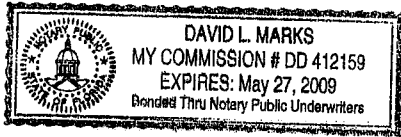
(sign) Heidi Robinson
(print) Heidi Robinson


H & M SMARTHOMES, LLC,
a Florida limited liability company

By: James Hays
James Hays
Its: Managing Member

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 18 day of August, 2008, by James Hays as Managing Member of H & M Smarthomes, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced _____ as identification.




Notary Public
My commission expires: 5/27/09