

RESOLUTION NO. 2008- 338

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO WALGREENS LOCATED ON PACETTI ROAD AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM.

RECITALS

WHEREAS, Regency Realty Group, Inc., has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water service to serve Walgreens located on Pacetti Road; and

WHEREAS, Regency Centers, LP has executed a Bill of Sale and schedule of values conveying all personal property associated with the water and sewer system which is attached hereto as Exhibit "B", incorporated by reference and made a part hereof. The sewer lines have been installed within County right-of-way therefore no easement is needed; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

WHEREAS, to the extent that there are typographical errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

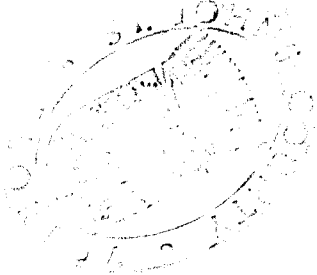
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

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 Easement for Utilities and Bill of Sale attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 2nd day of December, 2008.



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

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 12/4/08

Exhibit "A" to Resolution

Prepared by:
St. Johns County Real Estate Division
4020 Lewis Speedway
St. Augustine FL 32084

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 13th day of OCTOBER, 2008, By **REGENCY REALTY GROUP, INC.** with an address of Attn: Legal Department, One Independent Drive, Suite 114, Jacksonville, FL 32202, hereinafter called "**Grantor**," to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, FL 32084, hereinafter called "**Grantee**."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby agree as follows:

1. Grantor does hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, and remove pipes and mains constituting the underground water distribution system, and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water utility service (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress on and over the Easement Area as necessary for the use and enjoyment of the easement herein granted. This easement is for water utility services only and does not convey any right to install other utilities such as cable television service lines.

TO HAVE AND TO HOLD, unto Grantee, his successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

The easement herein granted is subject to covenants, restrictions, easements, liens, and encumbrances of record;

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy: (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) the subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the

right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that the Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocation of the underground water utility lines and facilities located within the Easement Area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.

(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor's successor and assigns shall be responsible for maintaining any water lines between the water meter and the improvements serviced by the utility system.

3. After any installation, construction, repair, replacement or removal of any Utility Lines and Associated Equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other surface improvements or structures. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements or structures which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding upon Grantee and its successors and assigns.

5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seal to be hereunto affixed as of the day and year first above written.

Signed, Sealed and Delivered

In the presence of:

Chris R
Witness

CHRIS RUEN
Witness Print Name

Don Bateh
Witness

DON BATEH
Witness Print Name

REGENCY REALTY GROUP,
INC., a Florida corporation

By: [Signature]
Its: VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 14 day of October, 2008, by JACK E. HEISEMANN as the V.P. of REGENCY REALTY GROUP, INC., a Florida corporation on behalf of the Corporation, who has produced _____ as identification or is personally known to me.

PATTI WAGNER
Notary Public, State of Florida
My comm. exp. Jun. 24, 2010
Comm. No. DD 557176

Patti Wagner
Notary Public, State of Florida

Patti Wagner
Print Name

Commission Expires

EXHIBIT "A" to Easement
EASEMENT AREA

MAP SHOWING SKETCH & DESCRIPTION OF
PROPOSED UTILITY EASEMENT

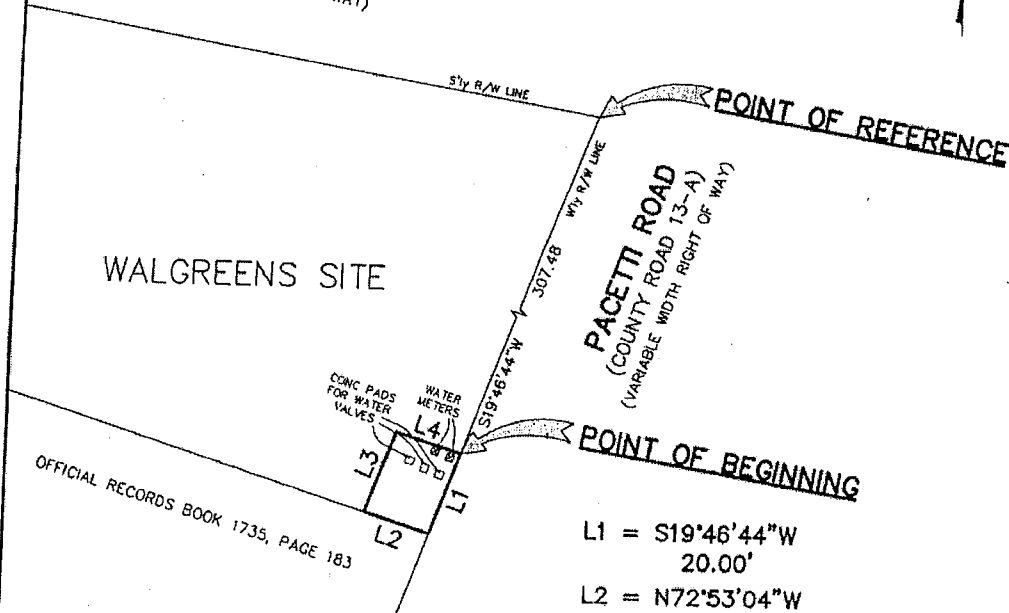
A PORTION OF THE ANTONIO HUERTAS GRANT IN SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16 WITH THE WESTERLY RIGHT OF WAY LINE OF PACETTI ROAD; THENCE SOUTH 19°46'44" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF PACETTI ROAD, A DISTANCE OF 307.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 19°46'44" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 20.00 FEET; THENCE, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, NORTH 72°53'04" WEST, A DISTANCE OF 16.00 FEET; THENCE NORTH 19°46'44" EAST, PARALLEL WITH THE SAID WESTERLY RIGHT OF WAY LINE OF PACETTI ROAD, A DISTANCE OF 20.00 FEET; THENCE SOUTH 72°53'04" EAST, A DISTANCE OF 16.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID PACETTI ROAD AND THE POINT OF BEGINNING.

LANDS THUS DESCRIBED CONTAIN 320 SQUARE FEET, MORE OR LESS.

CERTIFIED TO: REGENCY CENTER

STATE ROAD No. 16
(200' RIGHT OF WAY)



- L1 = S19°46'44"W
20.00'
- L2 = N72°53'04"W
16.00'
- L3 = N19°46'44"E
20.00'
- L4 = S72°53'04"E
16.00'

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

UNDERGROUND ENCROACHMENTS NOT LOCATED

ALL AMERICAN SURVEYORS OF FLORIDA, INC.

LAND SURVEYORS - 6820 SOUTHPOINT PARKWAY, SUITE 1 - JACKSONVILLE, FLORIDA, 32218 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3857

Legend	
COV.	= COVERED
FND.	= FOUND
ESMT	= EASEMENT
CONC	= CONCRETE
MON.	= MONUMENT
I.P.	= IRON PIPE
UR.	= URON REB
Δ	= DELTA ANGLE
CH	= CHORD
A	= ARC LENGTH
R	= RADII
(CALC.)	= CALCULATED
(D)	= DEED
(R)	= RADIAL LINE
C	= CENTER LINE
R/W	= RIGHT-OF-WAY
- -	= FENCE
(W)	= WITNESS
F.F.E.	= FINISH FLOOR ELEVATION
ADCL	= ARMY CORPS OF ENGINEERS
J.W.	= JURISDICTIONAL WETLANDS LINE
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.I.	= POINT OF INTERSECTION
P.C.P.	= PERMANENT CONTROL POINT
P.C.	= POINT OF CURVE
P.R.C.	= POINT OF REVERSE CURVE
P.C.C.	= POINT OF COMPOUND CURVE
B.S.I.	= BULKHEAD RESTRICTION
F.P.S.L.	= FLORIDA POWER & LIGHT
U.D.E.	= UNOBSTRUCTED DRAINAGE EASEMENT
NVD	= NATIONAL GEODETIC VERTICAL DATUM
NAD	= NORTH AMERICAN VERTICAL DATUM
P.I.	= POINT OF INTERSECTION
EW	= EDGE OF WATER
TD	= TOP OF BANK

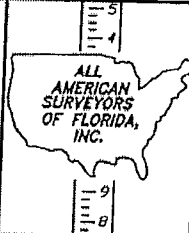
SKETCH FOR DESCRIPTION PURPOSES ONLY - DOES NOT REPRESENT OR PURPORT TO SHOW BOUNDARY LINES NOR IS IT BASED ON A FIELD RUN SURVEY.

SURVEY NOT VALID UNLESS EMBOSSED BY SEAL
JAMES D. HARRISON, JR., No. 2647
MICHAEL A. GARRETT, No. 6843

SCALE 1"=30'

DATE 02-12-08

09/15/08
FLORIDA REGISTERED SURVEYOR AND MAPPER





BILL OF SALE
UTILITY IMPROVEMENTS
for

Pacetti Shops – Phase I

Regency Centers, LP., (the "Seller") for and in consideration of the sum of Ten and No/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to **ST. JOHNS. COUNTY, FLORIDA**, a political subdivision of the State of Florida, the following personal property:

Sixty L. F. of 10" PVC DR 18 Water Main with Valves; Ten L.F. of 1 ¼" PVC Sch. 40 Force Main with Valve

The Seller does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good rights to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this ___ of ___, ___.

WITNESS:

Donald J. Bateh
Witness Signature

DONALD J. BATEH
Print Witness Name

OWNER: Regency Centers, LP.

Jack Heinemann
Owner's Signature

Jack Heinemann
Print Owner's Name

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 10 day of October, 2008, by JACK E. HEINEMANN who is personally known to me or has produced _____ as identification.

Patti Wagner
Notary Public

PATTI WAGNER
Notary Public, State of Florida
My comm. exp. Jun. 24, 2010
Comm. No. DD 557176



St. Johns County Utility Department
 Asset Management
 Schedule of Values

Project Name: Pacetti Shops - Phase I
 Contractor: Southern Development Corporation
 Developer: Regency Centers, LP.

	UNIT	QUANTITY	UNIT COST	TOTAL COST
Force Mains (Size, Type & Pipe Class)				
1 1/4" PVC Sch. 40	LF	10	\$ 6.71	\$ 67.10
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Sewer Valves (Size and Type)				
16"x 2" Tapping Saddle & Curb Stop	Ea	1	\$ 1,368.54	\$ 1,368.54
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Gravity Mains (Size, Type & Pipe Class)				
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Laterals (Size and Type)				
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
Manholes (Size and Type)				
4-6 foot deep	EA		\$ -	\$ -
6-8 foot deep	EA		\$ -	\$ -
8-10 foot deep	EA		\$ -	\$ -
10-12 foot deep	EA		\$ -	\$ -
> 12 foot deep	EA		\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
Lift Station				
Mechanical Equipment	Lump Sum		\$ -	\$ -
Process Piping	Lump Sum		\$ -	\$ -
Process Structure	Lump Sum		\$ -	\$ -
Process Electrical Equipment	Lump Sum		\$ -	\$ -
Other Improvements	Lump Sum		\$ -	\$ -
Total Sewer System Cost			\$	1,435.64



St. Johns County Utility Department

Asset Management

Schedule of Values

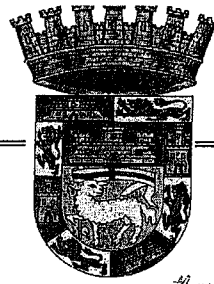
Project Name: Pacetti Shops - Phase I
 Contractor: Southern Development Corporation
 Developer: Regency Centers, LP.

Water Mains (Size, Type & Pipe Class)	UNIT	QUANTITY	UNIT COST	TOTAL COST
10" PVC DR-18	LF	60	\$ 24.01	\$ 1,440.60
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Water Valves (Size and Type)				
10" Tapping Sleeve & Valve	Ea	1	\$ 5,331.38	\$ 5,331.38
10" Gate Valve w/Valve Box	Ea	1	\$ 1,564.85	\$ 1,564.85
4" Gate Valve w/Valve Box	Ea	2	\$ 644.90	\$ 1,289.80
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Hydrants Assembly (Size and Type)				
	Ea		\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
Sevices (Size and Type)				
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
			\$ -	\$ -
Total Water System Cost				\$ 9,626.63

St. Johns County Board of County Commissioners

*UTILITY DEPARTMENT
Engineering Division*

1205 STATE ROAD 16
SAINT AUGUSTINE, FLORIDA
32084-8646



PHONE: (904) 209-2700
FAX: (904) 209-2601

INTEROFFICE MEMORANDUM

TO: NANETTE BRADBURY, REAL ESTATE COORDINATOR
FROM: VICKIE BATTELL, CONSTRUCTION TECH - DEVELOPMENT
THROUGH: ROBERT ZAMMATARO, CHIEF ENGINEER - DEVELOPMENT
SUBJECT: PACETTI SHOPS PHASE I - WALGREENS
DATE: SEPTEMBER 10, 2008

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Pacetti Shops - Walgreens.

After acceptance by BCC, please provide the utility department with a copy of the executed resolution and a recorded copy of the Easement for the utilities for our files.

Your support and cooperation as always are greatly appreciated.