

RESOLUTION NO. 2008- 343

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE PURPOSES ALONG TOMS ROAD IN CONNECTION WITH THE CONSTRUCTION OF THE RACETRAC PETROLEUM FACILITY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE EASEMENT.**

**RECITALS**

**WHEREAS**, the property owners have executed and presented to the County a Grant of Easement for drainage purposes, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, the Easement is required pursuant Section 6.04.06.F.7.(a) of the Land Development Code in connection with construction of the Racetrac Petroleum facility for an underground stormwater drainage line; 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; and

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

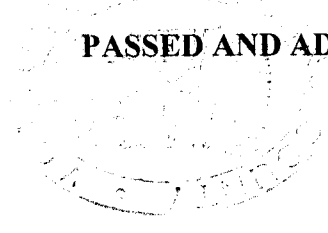
**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**, as follows:

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 and the County Administrator is authorized to execute the Easement.

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 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:  
General Counsel  
Racetrac Petroleum, Inc.  
3225 Cumberland Blvd., Suite 100  
Atlanta, Georgia 30339

**GRANT OF EASEMENT**

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 2008, between **RACETRAC PETROLEUM, INC.**, whose address is 3225 Cumberland Boulevard, Suite 100, Atlanta, Georgia 30339, hereinafter called **GRANTOR**, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called **GRANTEE**.

**WITNESSETH:** That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it, in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed to the Grantee a nonexclusive drainage easement for the purposes of maintaining, installing and repairing, at Grantee's sole cost and expense, a public stormwater drainage line and related facilities under the following described land situate in St. Johns County, Florida to wit:

Property as described on attached **EXHIBIT "A"**, incorporated by reference and made a part hereof.

**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.

Grantee shall exercise its rights hereunder in a manner which minimizes any interference with Grantor's use and enjoyment of Grantor's property. Without limiting the foregoing, Grantee shall repair any damage to Grantor's property resulting from the exercise of the rights afforded Grantee hereunder and shall restore Grantor's property to substantially the same condition as existed prior to such exercise of rights.

**IN WITNESS WHEREOF**, Grantor and Grantee have hereunto set their hands and seals the day and year first above written.

(Signatures on the following page)

Signed and Sealed in Our Presence as Witnesses:

Lisa Thornton  
Signature

Lisa Thornton  
Print

Cindy Erhart  
Signature

Cindy Erhart  
Print

GRANTOR:  
Racetrac Petroleum, Inc.

By:  
Name:  
Title: Max Lenker President

STATE OF GEORGIA  
COUNTY OF COBB

The foregoing instrument was acknowledged before me this 21 day of October, 2008, by MAX LENKER, PRESIDENT (title) of Racetrac Petroleum, Inc., who is personally known to me, or has produced \_\_\_\_\_ as identification.



Cheryl V Phillips  
Notary Public

My Commission Expires: 10/13/2012

Signed and Sealed in Our Presence as Witnesses:

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print

GRANTEE:  
St. Johns County, Florida  
a political subdivision of the State of Florida  
By:  
Name: Michael D. Wanchick  
Title: County Administrator

STATE OF FLORIDA  
COUNTY OF SAINT JOHN'S

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008, by Michael D. Wanchick, \* (title) of \*County Administrator St. Johns County, who is personally known to me, or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## EXHIBIT "A" to Easement

BEING A PORTION OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN A PART OF GOVERNMENT LOT 10, SECTION 6, TOWNSHIP 7 SOUTH, RANGE 29 EAST, SITUATE, LYING AND BEING IN THE COUNTY OF ST. JOHNS, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF STATE ROAD 16, A.K.A. MILL CREEK ROAD, AND THE NORTHERLY RIGHT-OF-WAY OF TOMS ROAD,

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF TOMS ROAD S53°46'00"W, A DISTANCE OF 136.87 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 860.00 FEET, AN ARC LENGTH OF 164.18 FEET THE CHORD OF WHICH BEARS S48°17'50"W, A DISTANCE OF 163.93 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 687.47 FEET, AN ARC LENGTH OF 43.10 FEET THE CHORD OF WHICH BEARS S41°38'55"W, A DISTANCE OF 43.10 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 687.47 FEET, AN ARC LENGTH OF 34.24 FEET THE CHORD OF WHICH BEARS S38°25'33"W, A DISTANCE OF 34.24 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N55°01'11"W, A DISTANCE OF 10.44 FEET TO A POINT; THENCE N55°4'10"E, A DISTANCE OF 36.38 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 173.51 SQ. FT OR 0.004 ACRES.

