

RESOLUTION NO. 2008- 37

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO LAKESIDE BUSINESS CENTER LOCATED OFF OF INTERNATIONAL GOLF PARKWAY.

RECITALS

WHEREAS, Lakeside Business Center, LLC, a Florida limited liability company, 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 Lakeside Business Center located off of International Golf Parkway; and

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

WHEREAS, it is in the best interest of the County to accept this Easement for the health, safety and welfare of the citizens at this location.

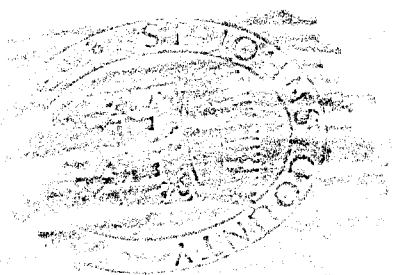
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

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 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 Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 19 day of February, 2008.



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

By: _____

Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterm
Deputy Clerk

RENDITION DATE 2/22/08

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 17 day of January, 2008 by Lakeside Business Center*with an address of 3740 St. Johns Bluff Road South #16 Jacksonville, FL 32224, 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".

*LLC, a Florida limited liability company
WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor agrees 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, replace and remove pipes and mains constituting the water meters and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water utility services (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 to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. The location of the ingress and egress area to the Easement area has been mutually agreed upon by the Grantor and Grantee. **As a result, the ingress and egress area noted on the attached, and incorporated Exhibit B (Ingress/Egress Area).** This easement is for water and/or sewer 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) 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 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 relocating the underground water and sewer 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. (a) WATER SYSTEM - The Grantee shall maintain the water meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines.

3. After any installation, construction, repair, replacement or removal of any utility lines or 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 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 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 seals to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered
In the presence of:

Lakeside Business Center, LLC
a Florida limited liability company

Heather Brady
Witness

By: *James Brady*
Its: *Managing Member*

Heather Brady
Print Name

John Kelly
Witness

Thomas Kelly
Print Name

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 17th day of January, 2008 by James Brady who is personally known to me or has produced _____ as identification.

Marie Bernadette Toro
Notary Public



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

DEPICTION AND DESCRIPTION

5 FOOT X 15 FOOT UTILITY EASEMENT

A PORTION OF GOVERNMENT LOT 1, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 28 EAST,
ST. JOHNS COUNTY, FLORIDA
EXHIBIT "A"

SURVEYOR NOTE:

THIS SURVEY CONSIST OF TWO SHEETS
AND IS NOT FULL AND/OR COMPLETE
WITHOUT BOTH SHEETS.

DESCRIPTION: THE NORTH 5' X 15' UTILITY EASEMENT TO ST. JOHNS COUNTY; PREPARED BY SURVEYOR

A PORTION OF GOVERNMENT LOT 1, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEAST CORNER OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SECTION 14, ALSO BEING THE CENTERLINE OF INTERNATIONAL GOLF PARKWAY (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SOUTH 89°32'10" WEST, A DISTANCE OF 1390.91 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF NORTH FRANCIS ROAD (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) SAID EXTENSION PERPENDICULAR TO THE CENTERLINE OF SAID INTERNATIONAL GOLF PARKWAY; THENCE SOUTH 00°27'50" WEST, A DISTANCE OF 33.00 FEET; THENCE ALONG THE WEST LINE OF SAID NORTH FRANCIS ROAD, SOUTH 00°24'16" WEST, A DISTANCE OF 1183.66 TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 583.89 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 55.12 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 03°08'33" WEST, AND AN CHORD DISTANCE OF 55.10 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, NORTH 89°05'00" WEST, A DISTANCE OF 433.04 FEET; THENCE SOUTH 02°00'55" WEST, A DISTANCE OF 23.31 FEET TO THE POINT OF BEGINNING OF THE NORTH 5' X 15' UTILITY EASEMENT TO ST. JOHNS COUNTY DESCRIBED HEREIN.

THENCE SOUTH 02°00'55" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 87°59'05" WEST, A DISTANCE OF 5.00 FEET; THENCE NORTH 02°00'55" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 87°59'05" EAST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF THE NORTH 5' X 15' UTILITY EASEMENT TO ST. JOHNS COUNTY HEREIN DESCRIBED.

CONTAINING 75.00 SQUARE FEET MORE OR LESS.

SAID LANDS SITUATED, LYING AND BEING IN ST JOHNS COUNTY, FLORIDA.

DESCRIPTION: THE SOUTH 5' X 15' UTILITY EASEMENT TO ST. JOHNS COUNTY; PREPARED BY SURVEYOR

A PORTION OF GOVERNMENT LOT 1, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEAST CORNER OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SECTION 14, ALSO BEING THE CENTERLINE OF INTERNATIONAL GOLF PARKWAY (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SOUTH 89°32'10" WEST, A DISTANCE OF 1390.91 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF NORTH FRANCIS ROAD (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) SAID EXTENSION PERPENDICULAR TO THE CENTERLINE OF SAID INTERNATIONAL GOLF PARKWAY; THENCE SOUTH 00°27'50" WEST, A DISTANCE OF 33.00 FEET; THENCE ALONG THE WEST LINE OF SAID NORTH FRANCIS ROAD, SOUTH 00°24'16" WEST, A DISTANCE OF 1183.66 TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 583.89 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 55.12 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 03°08'33" WEST, AND AN CHORD DISTANCE OF 55.10 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, NORTH 89°05'00" WEST, A DISTANCE OF 335.23 FEET; THENCE SOUTH 00°50'00" WEST, A DISTANCE OF 256.04 FEET TO THE POINT OF BEGINNING OF THE SOUTH 5' X 15' UTILITY EASEMENT TO ST. JOHNS COUNTY DESCRIBED HEREIN.

THENCE SOUTH 00°55'00" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°05'00" WEST, A DISTANCE OF 5.00 FEET; THENCE NORTH 00°55'00" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 89°05'00" EAST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF THE SOUTH 5' X 15' UTILITY EASEMENT TO ST. JOHNS COUNTY HEREIN DESCRIBED.

CONTAINING 75.00 SQUARE FEET MORE OR LESS.

SAID LANDS SITUATED, LYING AND BEING IN ST JOHNS COUNTY, FLORIDA.

PREPARED FOR: **THE ANGELO GROUP**

CERTIFIED TO: **ST. JOHNS COUNTY**

REVISION A: REVISED TO MATCH FIELD LOCATED WATER METERS (12/20/07) (RPS/JLC)



BARTRAM TRAIL SURVEYING, INC.

LAND SURVEYORS - PLANNERS - LAND DEVELOPMENT CONSULTANTS

1501 COUNTY ROAD 315 SUITE 106 (904) 284-2224
GREEN COVE SPRINGS, FL 32043 FAX (904) 284-2258
LB # 6991



LEGEND	
⊙	INDICATES IRON MARKER FOUND IDENTIFICATION AS NOTED
⊙	INDICATES 5/8" REBAR SET LB #8881
⊙	INDICATES 7/8" CONCRETE MONUMENT LB #8881
⊙	INDICATES 1 1/2" CONCRETE MONUMENT IDENTIFICATION AS NOTED
R/W	INDICATES RIGHT OF WAY
C	INDICATES CENTRAL ANGLE
CB	INDICATES CHORD BEARING
L	INDICATES ARC LENGTH
PT	INDICATES POINT OF TANGENCY
PC	INDICATES POINT OF CURVATURE
PO	INDICATES POINT OF BEGINNING
PL	INDICATES BREAK LINE
R	INDICATES RADIUS
C	INDICATES CALCULATED
T	INDICATES TANGENT
CB	INDICATES CHORD BEARING
CB	INDICATES CHORD
PL	INDICATES PLAT
E	INDICATES CENTERLINE

I HEREBY CERTIFY, that this survey graphically represents the results of a field survey made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as promulgated by the Florida State Board of Professional Land Surveyors, Chapter 61G17-8 F.A.C.; Pursuant to Section 472.027, Florida statutes, subject to all notes and notations shown hereon.

DECEMBER 7, 2007 DECEMBER 10, 2007
FIELD WORK COMPLETED MAP ORIGINALLY SIGNED

Thomas P. Hughes
THOMAS P. HUGHES, P.L.S.
FLORIDA CERT. NO. 3507

NOTATION:
The survey hereon was made without benefit of abstract or search of title, and therefore the undersigned and Bartram Trail Surveying make no Certifications regarding information shown or not shown hereon pertaining to easements, claims of easements, Rights-of-way, setback lines, overlaps, Boundary Line disputes, agreements, reservations or other similar matters which may appear in the abstract, or search of title.
This survey is prepared and certified for the exclusive use of the client named hereon and is not valid unless it bears an original signature and an embossed Surveyor's seal.

DRAWN BY: RPS/LDS CHECKED BY: JLC

FIRM FLOOD ZONE	N/A
PANEL NO.	N/A
FB/Pz	514/67
DATE: 12/10/07	SCALE: 1" = 70'
PROJECT NO. 844-07-002	REVISION: A
SHEET 1 OF 2	

EXHIBIT "B" to Easement

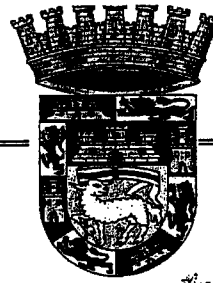
BLANKET INGRESS / EGRESS AREA

Part of Government Lot 1, Section 14, together with a part of Antonio Huertas Grant, Section 38, Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a point of reference, commence at the northeast corner of said Section 14; thence South 89 degrees 32 minutes 10 seconds West along the north line of said Section 14 and along the centerline of International Golf Parkway (a 66 foot right-of-way as now established), a distance of 1390.91 feet; thence South 00 degrees 27 minutes 50 seconds East, a distance of 33.00 feet to the intersection of the southerly right-of-way line of said International Golf Parkway with the westerly right-of-way of Francis Road (a 66 foot right-of-way as now established); thence South 00 degrees 24 minutes 16 seconds West along said westerly right-of-way line of Francis Road, a distance of 1092.75 feet to the point of beginning; thence continue South 00 degrees 24 minutes 16 seconds West, a distance of 90.91 feet to the point of curve of a curve, concave northwesterly having a radius of 583.89 feet; thence southwesterly along the arc of said curve continuing along said westerly right-of-way line, an arc distance of 214.72 feet, said arc being subtended by a chord bearing of South 10 degrees 56 minutes 22 seconds West and a chord distance of 213.51 feet to the point of tangency of said curve; thence South 21 degrees 28 minutes 28 seconds West continuing along said westerly right-of-way line, a distance of 206.71 feet; thence South 81 degrees 19 minutes 58 seconds West leaving said westerly right-of-way line of Francis Road, a distance of 198.00 feet; thence North 36 degrees 23 minutes 10 seconds West, a distance of 299.26 feet; thence North 78 degrees 41 minutes 24 seconds West, a distance of 205.81 feet to a point on a curve, said curve being concave southeasterly having a radius of 400.00 feet; thence southwesterly along the arc of said curve, an arc distance of 134.74 feet, said arc being subtended by a chord bearing of South 43 degrees 48 minutes 35 seconds West and a chord distance of 134.11 feet to the point of cusp of said curve, said point lying on the easterly right-of-way line of road easement Parcel A; thence North 34 degrees 08 minutes 37 seconds East along said easterly right-of-way line, a distance of 341.71 feet; thence South 07 degrees 51 minutes 00 seconds West leaving said easterly right-of-way line of road easement Parcel A, a distance of 26.03 feet; thence South 32 degrees 01 minutes 14 seconds East, a distance of 29.97 feet; thence South 59 degrees 35 minutes 25 seconds East, a distance of 28.80 feet; thence North 86 degrees 45 minutes 14 seconds East, a distance of 33.95 feet; thence North 68 degrees 07 minutes 33 seconds East, a distance of 37.50 feet; thence North 78 degrees 11 minutes 48 seconds East, a distance of 38.01 feet; thence South 82 degrees 27 minutes 30 seconds East, a distance of 35.82 feet; thence South 67 degrees 25 minutes 39 seconds East, a distance of 39.90 feet; thence South 78 degrees 36 minutes 11 seconds East, a distance of 38.70 feet; thence North 84 degrees 43 minutes 06 seconds East, a distance of 41.02 feet; thence North 76 degrees 42 minutes 27 seconds East, a distance of

49.57 feet; thence North 86 degrees 56 minutes 49 seconds East, a distance of 39.40 feet; thence South 77 degrees 21 minutes 48 seconds East, a distance of 45.36 feet; thence South 72 degrees 03 minutes 41 seconds East, a distance of 39.89 feet; thence South 89 degrees 18 minutes 48 seconds East, a distance of 40.52 feet; thence North 60 degrees 29 minutes 14 seconds East; a distance of 41.17 feet; thence North 32 degrees 27 minutes 10 seconds East, a distance of 40.03 feet; thence North 06 degrees 35 minutes 25 seconds East, a distance of 49.44 feet; thence North 24 degrees 05 minutes 25 seconds East, a distance of 13.24 feet; thence North 68 degrees 26 minutes 57 seconds East, a distance of 9.59 feet; thence North 01 degree 17 minutes 24 seconds West, a distance of 11.85 feet; thence South 89 degrees 35 minutes 44 seconds East, a distance of 11.46 feet to the point of beginning. Containing 4.29 acres more or less.

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, ENGINEERING
SUBJECT: EASEMENT FOR LAKESIDE BUSINESS CENTER
DATE: JANUARY 18, 2008

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Lakeside Business Center.

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.