

RESOLUTION NO. 2008- 38

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO FISHER WAREHOUSE LOCATED ON US #1 NORTH.**

**RECITALS**

**WHEREAS**, Kevin Fisher, has executed and presented to the County an Easement for Utilities for water services, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to serve Fisher Warehouse located on US #1 North; 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.

**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 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:   
Deputy Clerk

**RENDITION DATE** 2/22/08

**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 18<sup>th</sup> day of January, 2008 by Kevin Fisher, with an address of 6980 & 6988 US 1 N, St. Augustine, FL, 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 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 underground, water distribution system, and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer 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 all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

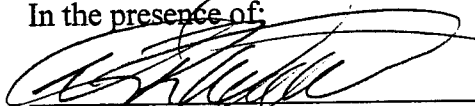
3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, 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:

  
\_\_\_\_\_

Witness

Dan Weatherington  
\_\_\_\_\_


Print Name

JAMES MOREY  
\_\_\_\_\_

Witness


Jim Morey  
\_\_\_\_\_

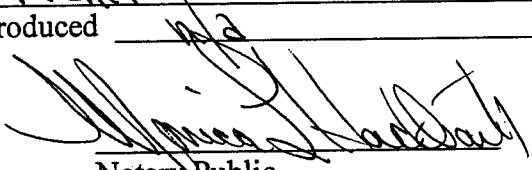
Print Name

By:   
\_\_\_\_\_  
Its: Kevin F. Fisher  
Owner/CEO

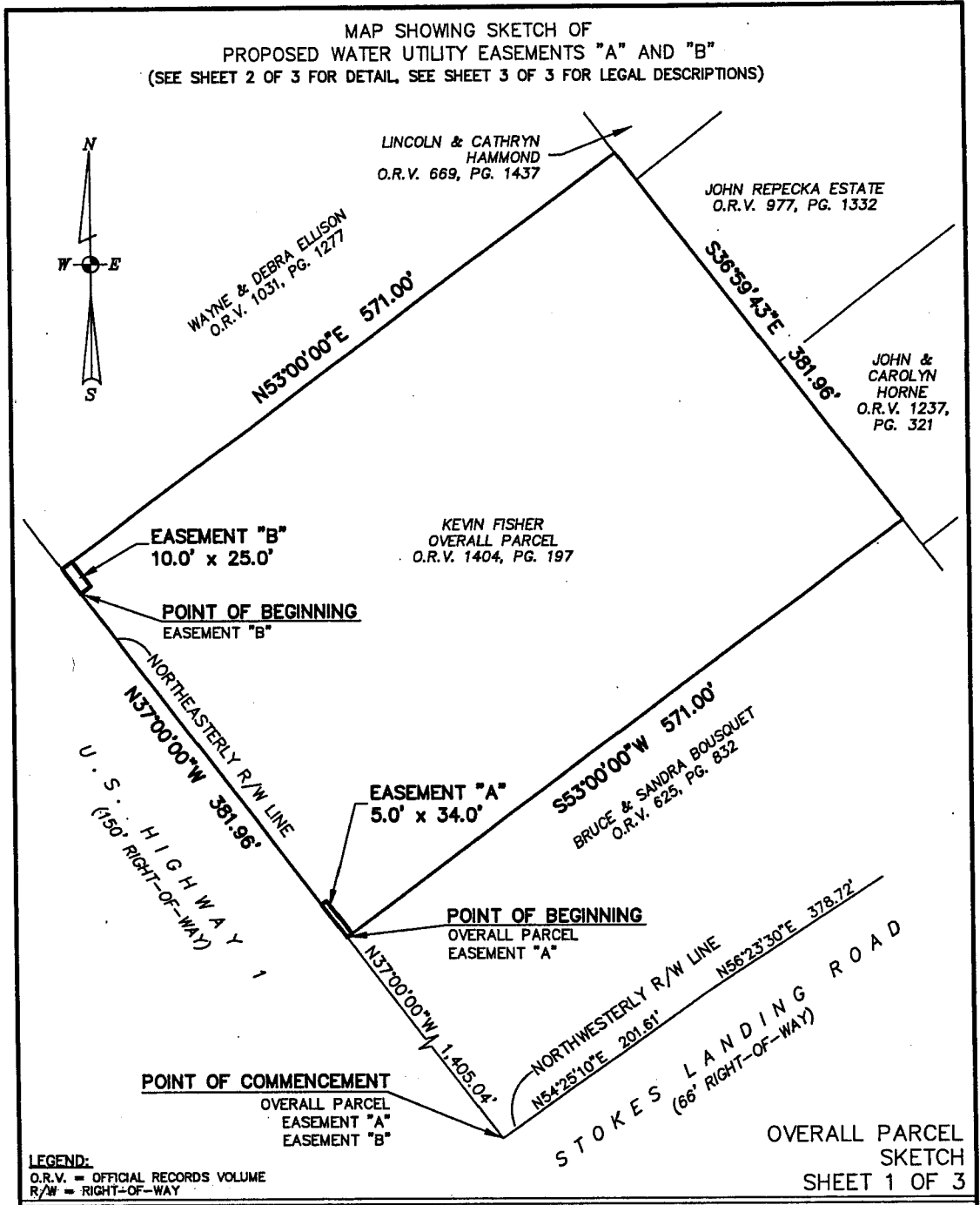
State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of January, 2008 by Kevin Fisher who is personally known to me or has produced \_\_\_\_\_ as identification.

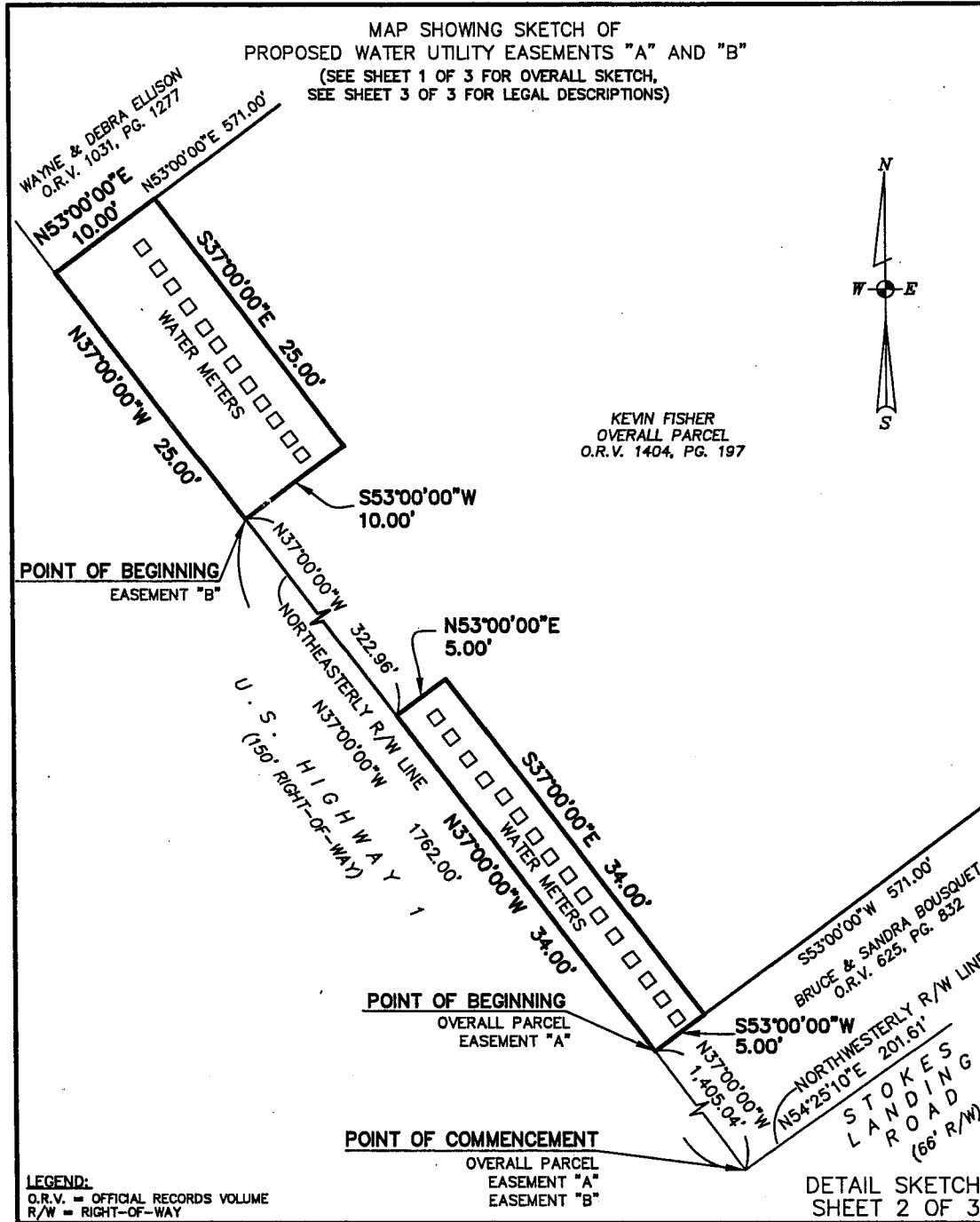
NOTARY PUBLIC-STATE OF FLORIDA  
 **Monica L. Hackbarth**  
Commission # DD525345  
Expires: MAR. 06, 2010  
Bonded Thru Atlantic Bonding Co., Inc.

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

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



<b>MOORE SURVEYING &amp; DESIGN, INC.</b> SURVEYING BUSINESS NUMBER 8794 ~ ENGINEERING BUSINESS NUMBER 9959 5288 HIGHWAY AVENUE, JACKSONVILLE, FLORIDA 32254 (904) 384-7855 FAX 384-4685		SURVEYING AND MAPPING * GPS SERVICES CIVIL ENGINEERING DESIGN CONSTRUCTION LAYOUT * AS BUILTS																	
CERTIFICATION: I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF FLORIDA. THAT THE INFORMATION SHOWN HEREON WAS COMPILED UNDER MY RESPONSIBLE CHARGE, AND, IN MY OPINION, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 81G 17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.																			
DATE OF SKETCH: 1/19/08		THIS DRAWING NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.																	
WO # 2681.02 DWG NAME: 2681.02 FILE # 153/C-3 SCALE: 1" = 100'		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td>REVISION</td> <td>DATE</td> <td colspan="2">DESCRIPTION</td> <td colspan="4"></td> </tr> </table>										REVISION	DATE	DESCRIPTION					
REVISION	DATE	DESCRIPTION																	
HAROLD W. MOORE, LAND SURVEYOR FLORIDA REGISTRATION NUMBER 4253		HAROLD W. MOORE, LAND SURVEYOR FLORIDA REGISTRATION NUMBER 4253																	



STANDARD NOTES:  
NOTE: BEARING STRUCTURE BASED ON THE DEED BEARING OF N37°00'00"W  
ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1

BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X" AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED 9/2/04 FOR ST JOHNS COUNTY, FLORIDA, COMMUNITY NO. 12109C, PANEL NO. 0195H

	<b>MOORE SURVEYING &amp; DESIGN, INC.</b> SURVEYING BUSINESS NUMBER 6704 ~ ENGINEERING BUSINESS NUMBER 9959 5268 HIGHWAY AVENUE, JACKSONVILLE, FLORIDA 32254 (904) 384-7855 FAX 384-4865	SURVEYING AND MAPPING * GPS SERVICES CIVIL ENGINEERING DESIGN CONSTRUCTION LAYOUT * AS BUILT
--	---	--

CERTIFICATION: I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF FLORIDA, THAT THE INFORMATION SHOWN HEREON WAS COMPILED UNDER MY RESPONSIBLE CHARGE, AND, IN MY OPINION, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 616 17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE OF SKETCH: 11/10/08

WO # 2681.02 DWG NAME: 2681.02 FILE # 153/C-3 SCALE: 1" = 10'	THIS DRAWING NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	 HAROLD W. MOORE, LAND SURVEYOR FLORIDA REGISTRATION NUMBER 4253
---	--	--

MAP SHOWING SKETCH OF  
 PROPOSED WATER UTILITY EASEMENTS "A" AND "B"  
 (SEE SHEET 1 OF 3 FOR OVERALL SKETCH, SEE SHEET 2 OF 3 FOR DETAIL)

CERTIFIED TO:  
 ST. JOHNS COUNTY UTILITY DEPARTMENT

OVERALL PARCEL - O.R.V. 1404, PAGE 197 (FOR REFERENCE ONLY)

PART OF THE PABLO SABATE GRANT, SECTION 50, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF STOKES LANDING ROAD AND THE NORTHEASTERLY LINE OF U.S. HIGHWAY NO. 1, THENCE NORTH 37°00' WEST, 1405.04 FEET ALONG THE NORTHEASTERLY LINE OF SAID U.S. HIGHWAY NO. 1 TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 37°00' WEST 381.96 FEET ALONG THE NORTHEASTERLY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE NORTH 53°00' EAST, 571.00 FEET; THENCE SOUTH 36°59'43" EAST 381.96 FEET; THENCE SOUTH 53°00' WEST 571.00 FEET TO THE POINT OF BEGINNING.

EASEMENT "A" - 5.0' x 34.0' WATER UTILITY EASEMENT

PART OF THE PABLO SABATE GRANT, SECTION 50, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STOKES LANDING ROAD (A 66 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED) AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (A 150 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED), THENCE NORTH 37°00' WEST, 1405.04 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1 TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 37°00' WEST, A DISTANCE OF 34.00 FEET; THENCE NORTH 53°00' EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 37°00' EAST, A DISTANCE OF 34.00 FEET; THENCE SOUTH 53°00' WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 170 SQUARE FEET, MORE OR LESS.

EASEMENT "B" - 10.0' x 25.0' WATER UTILITY EASEMENT

PART OF THE PABLO SABATE GRANT, SECTION 50, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STOKES LANDING ROAD (A 66 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED) AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (A 150 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED), THENCE NORTH 37°00' WEST, 1762.00 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1 TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 37°00' WEST, A DISTANCE OF 25.00 FEET TO THE NORTHWESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 1404, PAGE 197 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 53°00' EAST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 37°00' EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 53°00' WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 250 SQUARE FEET, MORE OR LESS.

**LEGEND:**

O.R.V. = OFFICIAL RECORDS VOLUME  
 R/W = RIGHT-OF-WAY

LEGAL DESCRIPTIONS  
 SHEET 3 OF 3

**STANDARD NOTES:**

NOTE: BEARING STRUCTURE BASED ON THE DEED BEARING OF N37°00'00"W  
 ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1

BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X" AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED 9/2/04 FOR ST JOHNS COUNTY, FLORIDA, COMMUNITY NO. 12109C, PANEL NO. 0195H

	<b>MOORE SURVEYING &amp; DESIGN, INC.</b> SURVEYING BUSINESS NUMBER 8794 ~ ENGINEERING BUSINESS NUMBER 9959 5288 HIGHWAY AVENUE, JACKSONVILLE, FLORIDA 32254 (904) 384-7855 FAX 384-4665	SURVEYING AND MAPPING * GPS SERVICES CIVIL ENGINEERING DESIGN CONSTRUCTION LAYOUT * AS BUILT

CERTIFICATION: I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF FLORIDA, THAT THE INFORMATION SHOWN HEREON WAS COMPILED UNDER MY RESPONSIBLE CHARGE, AND, IN MY OPINION, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G 17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

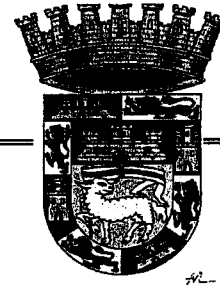
DATE OF SKETCH: 1/10/08

WD # 2681.02 DWG NAME: 2681.02 FILE # 153/C-3 SCALE: 1" = N/A	THIS DRAWING NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	
REVISION DATE DESCRIPTION	HAROLD W. MOORE, LAND SURVEYOR FLORIDA REGISTRATION NUMBER 4253	

*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 FISHER WAREHOUSE  
DATE: JANUARY 25, 2008

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of Fisher Warehouse.

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.