

RESOLUTION NO. 2008- 39

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A CONSERVATION EASEMENT DEED OVER LESS THAN ONE ACRE UPON THE ANASTASIA ISLAND WASTEWATER TREATMENT PLANT PARCEL ON MIZELL ROAD FOR THE IMPACT OF WETLANDS DUE TO THE EXPANSION OF THE TREATMENT PLANT.

RECITALS

WHEREAS, the Florida Department of Environmental Protection permitting requires mitigation for certain projects where wetlands are impacted; and

WHEREAS, the Conservation Easement Deed attached hereto as Exhibit "A," incorporated by reference and made a part hereof is required for expansion of the Anastasia Island Wastewater Treatment Plant; and

WHEREAS, St. Johns County grants this Conservation Easement to mitigate for the loss of wetland function resulting from the project. Approximately three quarters of an acre will be enhanced and preserved under this conservation easement.

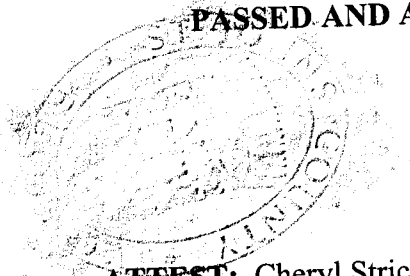
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

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 Chairman of the Board is hereby authorized to execute the Conservation Easement and the conditions are hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Circuit Court is instructed to record the original Conservation Easement Deed 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: [Signature]  
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk  
By: [Signature]  
Deputy Clerk

RENDITION DATE 2/22/08

Exhibit "A" to Resolution

**CONSERVATION EASEMENT DEED**

**STATE OF FLORIDA**

**COUNTY OF ST. JOHNS**

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of State of Florida Department of Environmental Protection permit No.55-273319-001-ES to impact a total of 0.41 acres of jurisdictional wetlands for the expansion of the Anastasia Island waste water treatment plant and stormwater management system on September 20, 2007, the **St. Johns County, Florida, a political subdivision of the State of Florida** (Grantor) has granted to **The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida**, whose address is Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000 (Grantee), a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the real property in St. Johns County, Florida, as set forth in the legal description attached hereto as Exhibit "A" and depicted as "Wetland Conservation Easement Area" on the attached Exhibit "B".

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

It is the purpose and intent of this Conservation Easement to assure that the subject lands (with the exception of included wetlands which are to be enhanced or created as specified in the aforementioned permit) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands which are to be enhanced or created shall be maintained forever in the enhanced or created conditions required by the aforementioned permit.

Except for such specific activities as authorized pursuant to Florida Department of Environmental Protection permit number 55-273319-001-ES, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said permit, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground, however, the Department may approve such passive recreational structures as boardwalks, gazebos, or similar piling-supported structures subject to additional permitting;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas, and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned permit, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominately in the vegetative and hydrologic condition as herein specified shall run with land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Second Judicial Circuit, in Leon County, Florida. In any enforcement action in which the Grantee prevail, grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned permit. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403 and 373, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal on this \_\_\_ day of \_\_\_\_\_, 2008.

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

Signed, sealed, and delivered in our presence of:

By: \_\_\_\_\_  
Thomas G. Manuel, Chairman

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

ATTEST: Cheryl Strickland, Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Thomas G. Manuel, Chairman of the St. Johns County Board of County Commissioners, who is personally known to me and who did (did not) take an oath.

(SEAL)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

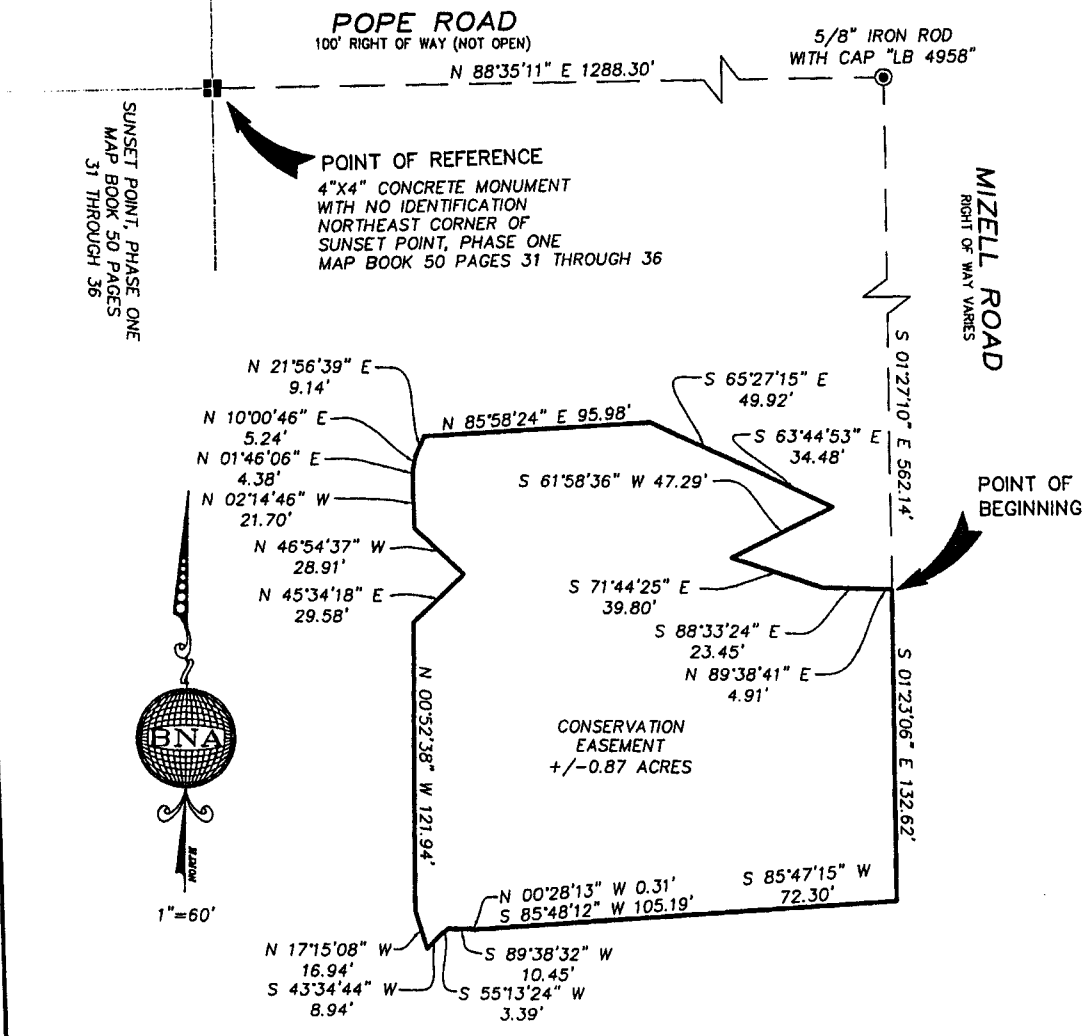
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SERIAL NUMBER

# MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 596 PAGE 408 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION: CONSERVATION EASEMENT  
 A PORTION OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 596, PAGE 408 AS RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A 4"x4" CONCRETE MONUMENT WITH NO IDENTIFICATION AT THE NORTHEAST CORNER OF SUNSET POINT, PHASE ONE AS RECORDED IN MAP BOOK 50 PAGES 31 THROUGH 36 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 88°35'11" EAST ALONG THE SOUTH RIGHT OF WAY OF LINE OF POPE ROAD (A 100 FOOT UNOPENED RIGHT OF WAY) A DISTANCE OF 1288.30 FEET TO A 5/8 INCH IRON ROD WITH CAP "LB4958"; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 01°27'10" EAST A DISTANCE OF 562.14 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°23'06" EAST A DISTANCE OF 132.62 FEET; THENCE SOUTH 89°38'32" WEST A DISTANCE OF 10.45 FEET; THENCE SOUTH 85°48'12" WEST A DISTANCE OF 105.19 FEET; THENCE NORTH 00°28'13" WEST A DISTANCE OF 0.31 FEET; THENCE SOUTH 89°38'32" WEST A DISTANCE OF 10.45 FEET; THENCE SOUTH 55°13'24" WEST A DISTANCE OF 3.39 FEET; THENCE SOUTH 43°34'44" WEST A DISTANCE OF 8.94 FEET; THENCE NORTH 17°15'08" WEST A DISTANCE OF 16.94 FEET; THENCE NORTH 00°52'38" WEST A DISTANCE OF 121.94 FEET; THENCE NORTH 45°34'18" EAST A DISTANCE OF 29.58 FEET; THENCE NORTH 46°54'37" WEST A DISTANCE OF 28.91 FEET; THENCE NORTH 02°14'46" WEST A DISTANCE OF 21.70 FEET; THENCE NORTH 01°46'06" EAST A DISTANCE OF 4.38 FEET; THENCE NORTH 10°00'46" WEST A DISTANCE OF 5.24 FEET; THENCE NORTH 21°56'39" EAST A DISTANCE OF 9.14 FEET; THENCE NORTH 85°58'24" EAST A DISTANCE OF 95.98 FEET; THENCE NORTH 10°00'46" EAST A DISTANCE OF 5.24 FEET; THENCE NORTH 21°56'39" EAST A DISTANCE OF 9.14 FEET; THENCE NORTH 85°58'24" EAST A DISTANCE OF 95.98 FEET; THENCE SOUTH 65°27'15" EAST A DISTANCE OF 49.92 FEET; THENCE SOUTH 63°44'53" EAST A DISTANCE OF 34.48 FEET; THENCE SOUTH 71°44'25" EAST A DISTANCE OF 39.80 FEET; THENCE SOUTH 88°33'24" EAST A DISTANCE OF 23.45 FEET; THENCE SOUTH 89°38'41" EAST A DISTANCE OF 4.91 FEET; THENCE SOUTH 01°23'06" EAST A DISTANCE OF 132.62 FEET; THENCE SOUTH 01°27'10" EAST A DISTANCE OF 562.14 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 37,782 SQUARE FEET, 0.87 ACRES MORE OR LESS



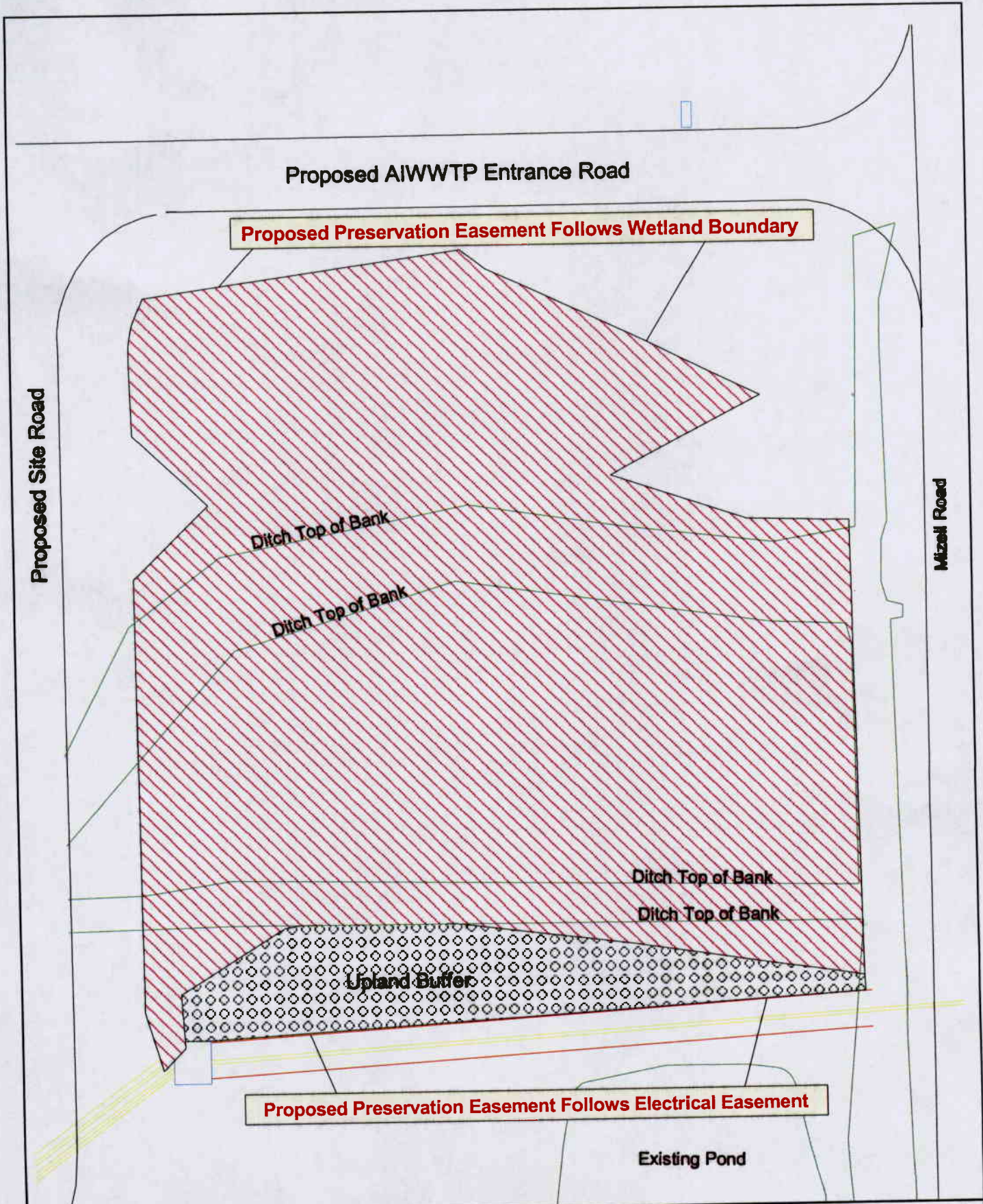
**GENERAL NOTES:**  
 1. BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF POPE ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2287 PAGE 1028 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA AS BEING NORTH 88°35'11" EAST.  
 2. THIS IS A SPECIFIC PURPOSE SURVEY OF A SKETCH AND LEGAL DESCRIPTION ONLY AND DOES NOT ADDRESS ANY UNDERGROUND UTILITIES OR ENVIRONMENTAL CONCERNS AS MAY BE DEEMED AS SUCH BY ANY GOVERNMENT AGENCY OR SPECIAL INTEREST GROUP. THIS IS NOT A BOUNDARY SURVEY.  
 3. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND BRADSHAW-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO 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.

I HEREBY CERTIFY, that this map graphically depicts the results of a sketch made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mappers, Chapter 61G17-8, Florida Administrative Code; Pursuant to Section 472.027, Florida Statutes; subject to all notes and notations shown hereon.

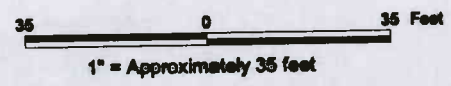
DATE OF SIGNATURE: 02/01/2008

*Albert D. Bradshaw*  
 ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

**BRADSHAW-NILES and ASSOCIATES, INC.**  
 SURVEYING AND MAPPING CONSULTANTS  
 LICENSED BUSINESS No. 6824  
 3000 N. PONCE DE LEON BOULEVARD, SUITE "D"  
 ST. AUGUSTINE, FLORIDA 32084  
 (904) 829-2591 FAX: (904) 829-5070



**Proposed Preservation Easement**  
[Red Hatched Box] Wetland  
[Circular Pattern Box] Upland Buffer



AI WWTP  
**Proposed Preservation Easement Boundary**  
St. Johns County Utility Department