

REVISED RESOLUTION NO. 2008-54

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE REVISION OF RESOLUTION NO. 2008-54 TO CHANGE THE NAME OF THE SCHOOL IN THE RESOLUTION TO WARD'S CREEK ELEMENTARY SCHOOL.

RECITALS

WHEREAS, Resolution No. 2008-54, dated March 4, 2008, accepted an Easement for Utilities from the School Board of St. Johns County, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water and sewer services for the King & Bear Elementary School; and

WHEREAS, The School Board has requested that the Resolution be revised to reflect the new name of the school as "Ward's Creek Elementary", as stated in a letter from their legal counsel attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, all other provisions of Resolution 2008-54 and the Easement for Utilities shall remain in full force; and

WHEREAS, to the extent that there are typographical or administrative 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 change to Resolution No. 2008-54 is hereby accepted by the Board of County Commissioners.

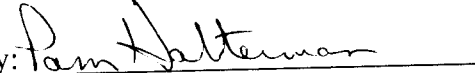
Section 3. The Clerk of the Circuit Court is instructed to file the original Revised Resolution in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 6th day of October, 2009.

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

By: 
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 11/12/09



REVISED RESOLUTION NO. 2008-54

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE REVISION OF RESOLUTION NO. 2008-54 TO CHANGE THE NAME OF THE SCHOOL IN THE RESOLUTION TO WARD'S ELEMENTARY SCHOOL.

RECITALS

WHEREAS, Resolution No. 2008-54, dated March 4, 2008, accepted an Easement for Utilities from the School Board of St. Johns County, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water and sewer services for the King & Bear Elementary School; and

WHEREAS, The School Board has requested that the Resolution be revised to reflect the new name of the school as "Ward's Creek Elementary", as stated in a letter from their legal counsel attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, all other provisions of Resolution 2008-54 and the Easement for Utilities shall remain in full force; and

WHEREAS, to the extent that there are typographical or administrative 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 change to Resolution No. 2008-54 is hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Circuit Court is instructed to file the original Revised Resolution in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 6th day of October, 2009.



**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 10/8/09

RESOLUTION NO. 2008- 54

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FROM THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, FOR WATER AND SEWER SERVICES FOR THE KING & BEAR ELEMENTARY SCHOOL.

RECITALS

WHEREAS, The School Board of St. Johns County adopted Resolution 2007-14, attached hereto as Exhibit "A", authorizing the dedication of an Easement for Utilities, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, for water and sewer services for the King & Bear Elementary School; and

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

WHEREAS, it is in the best interest of the County to accept the Easement for the health, safety and welfare of the students and staff attending the school.

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

PASSED AND ADOPTED this 4th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Cheryl Strickland, Clerk

By: Pam Haltem
Deputy Clerk

RENDITION DATE 3/7/08

SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA
RESOLUTION NUMBER 2007-14

A RESOLUTION BY THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A TWENTY FOOT (20') EASEMENT TO ST. JOHNS COUNTY, FLORIDA, FOR THE CONSTRUCTION, OPERATION & MAINTENANCE OF WATER/SEWER FACILITIES.

WHEREAS, at its meeting held on June 12, 2007, duly noticed and convened under law, the School Board of St. Johns County, Florida considered the grant of a dedicated, irrevocable twenty foot (20') easement to St. Johns County for construction, operation and maintenance of water/sewer facilities intended to benefit Elementary School "K".

WHEREAS, by a majority vote, it was resolved by the School Board of St. Johns County, Florida, as follows:

1. Superintendent, Joseph Joyner, is hereby authorized to execute the easement, the form and content of which are hereby approved by the Board.
2. A copy of this resolution shall be recorded in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the School Board of St. Johns County, Florida this day of June 12, 2007.

SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA

By: Beverly Slough
Beverly Slough
Its Chairperson

Res 08-54
EASEMENT FOR UTILITIES

Public Records of
St. Johns County, FL
Clerk # 2007044897,
O.R. 2943 PG 1089-1093
07/02/2007 at 04:30 PM,
REC. \$21.00 SUR. \$23.00

THIS EASEMENT executed and given this 12 day of June, 2007, by THE SCHOOL BOARD FOR ST. JOHNS COUNTY, FLORIDA, whose address is 40 Orange Street, St. Augustine, Florida 32084, 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 sewer collection system, (including lift stations if applicable) and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground 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 on and over the Easement Area as necessary for the use and enjoyment of the easement herein granted. This easement is for 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, water, 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. Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals. The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service laterals. To the extent permitted by law, Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals.

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

[THIS PORTION LEFT BLANK INTENTIONALLY. SIGNATURE BLOCK ON
SUBSEQUENT PAGE.]

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:

THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA

Nicole L. Cubbedge
Witness #1 Nicole L. Cubbedge
(type or print name)

By: Joseph H. Joyner
Dr. Joseph Joyner
Its Superintendent

James Forson
Witness #2 James Forson
(type or print name)

GRANTOR

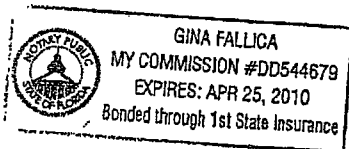
STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 12th day of June, 2007, by Joseph Joyner, as Superintendent of the School Board of St. Johns County, Florida, on behalf of the school district, who () is personally known to me or () has produced driver's license no. _____ as identification.

(SEAL)

Gina Fallica
Signature of Notary
Gina Fallica

(Name of notary, typed/printed)
Commission Number: DD544679
My Commission Expires: 4.25.10



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 KING & BEAR ELEMENTARY SCHOOL
DATE: FEBRUARY 5, 2008

Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of King & Bear Elementary School.

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.

UPCHURCH, BAILEY AND UPCHURCH, P.A.

JOHN D. BAILEY, JR.
FRANK D. UPCHURCH III
DONALD W. WALLIS
KATHERINE GAERTNER JONES
MICHAEL A. SIRAGUSA
STEPHEN A. FAUSTINI
RICHARD Q. LEWIS III
G. DOUGLAS MOORE JR.
STEVEN L. ZAKROCKI

ATTORNEYS AT LAW
Established 1925
780 North Ponce de Leon Boulevard
St. Augustine, Florida 32084
Telephone (904) 829-9066
Facsimile (904) 825-4862
Please reply to:
Post Office Drawer 3007
St. Augustine, Florida 32085-3007

OF COUNSEL:
FRANK D. UPCHURCH, JR.
TRACY WILSON UPCHURCH
FRANK D. UPCHURCH, SR.
(1894-1986)
HAMILTON D. UPCHURCH
(1925-2008)
e-mail: masiragusa@ubulaw.com

August 20, 2009

Via Hand Delivery

Patrick McCormack, County Attorney
St Johns County Administrative Complex
500 San Sebastian View
St. Augustine, FL 32084

Re: County Utility Easement by Ward's Creek Elementary School
Our File No. 9-06-540

Dear Pat:

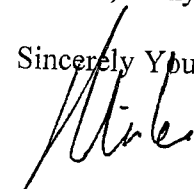
As you are aware, our firm acts as attorney for the St. Johns County School Board. This correspondence is written in that capacity.

In 2008 the County approved an easement over School Board property for a utility easement. A copy of Resolution 2008-54 and the corresponding recorded easement are attached for your reference. You may also recall that, although the school located at that site was originally intended to be called "The King & The Bear Elementary", for various reasons the school's name was eventually changed to "Ward's Creek Elementary" prior to construction.

The School District requests that the County's resolution, which references "The King & The Bear Elementary", be amended to reflect the corrected name. Since the nature of the easement has not changed and it has been in place and active for over 2 years, it would seem that this could be handled simply as a consent agenda item at your convenience.

Please let me know your thoughts and what I can do, if anything, to assist.

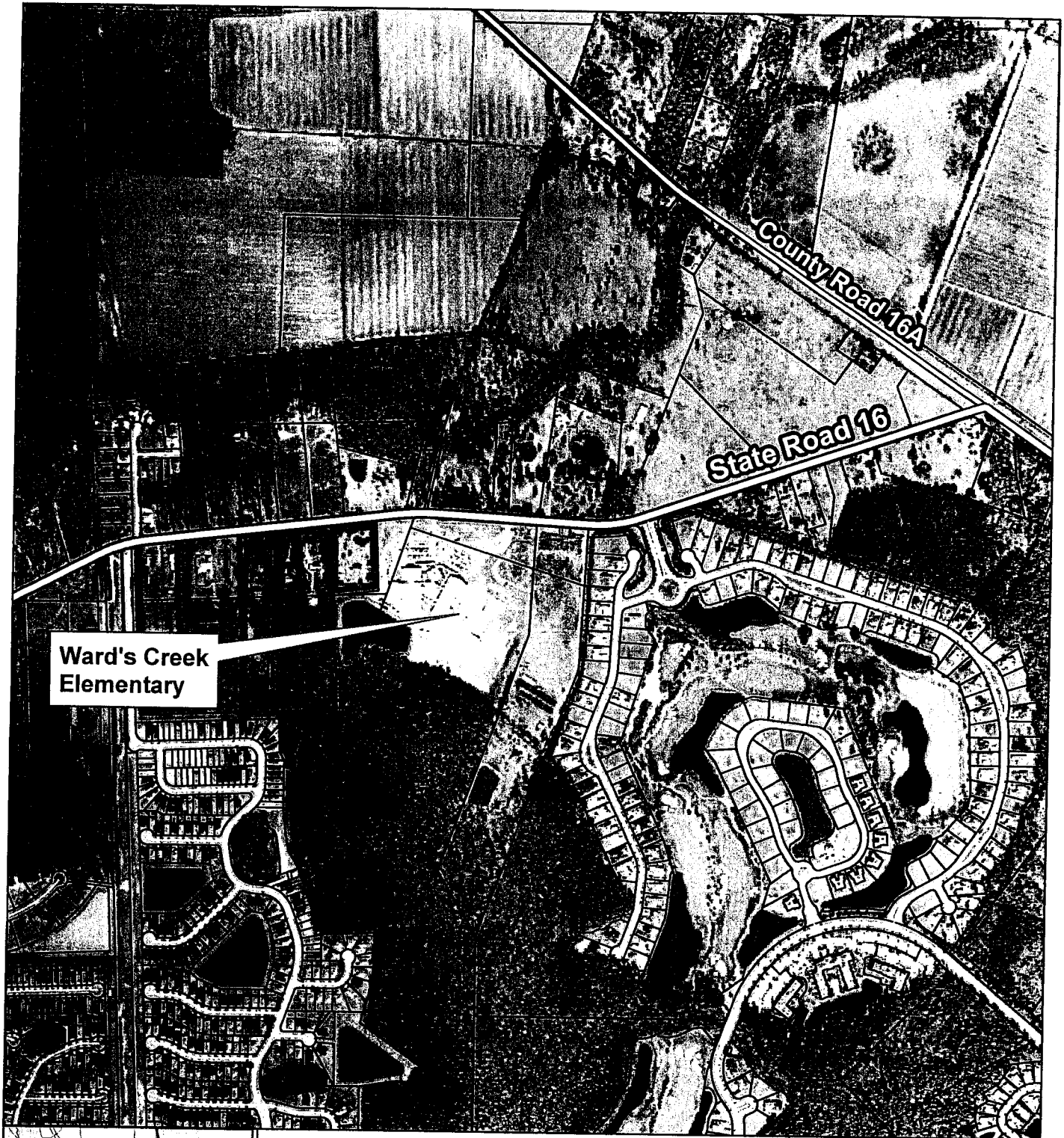
Sincerely Yours,



Michael A. Siragusa

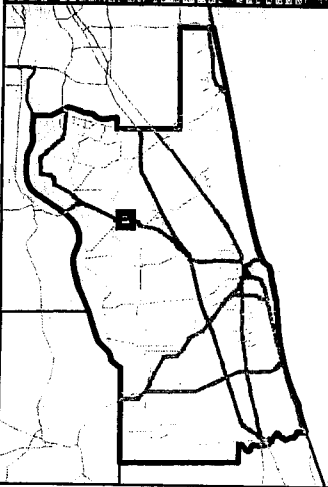
MAS/kalm
enclosures

Cc: Tim Forson, Assoc. Superintendent for School Operations

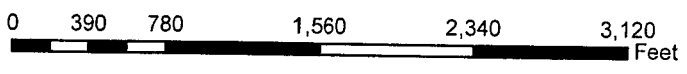


Ward's Creek Elementary

County Road 16A
State Road 16



Ward's Creek Elementary Revised Resolution



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
September 8, 2009
(904) 209-0788

DISCLAIMER.
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.