

RESOLUTION NO. 2008- 91

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING A GRANT OF EASEMENT FOR A CORNER CLIP OF ADDITIONAL RIGHT-OF-WAY ON SUNSET BOULEVARD IN ST. AUGUSTINE PARK UNIT TWO SUBDIVISION.**

**RECITALS**

**WHEREAS**, Hussain Aziz Al-Mashat (hereinafter "Al-Mashat") plans to build on certain platted lots located on a portion of Sunset Boulevard south of Flagler Boulevard in St. Augustine Park Unit Two Subdivision; and

**WHEREAS**, in connection therewith Al-Mashat is required to open and construct to County standards approximately 380 feet of Sunset Boulevard and has submitted such plans to the County; and

**WHEREAS**, St. Johns County Development Review Technical Department has determined that a corner clip of additional right-of-way for road, drainage and utilities is needed to be in compliance with Sections 6.02.05 C, 6.04.04 H and 6.04.07 F of the St. Johns County Land Development Code, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, Al-Mashat has executed and presented to St. Johns County a Grant of Easement, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, conveying to the County the additional right-of-way for the purposes mentioned above.

**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 into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Grant of Easement is hereby accepted by the Board of County Commissioners of St. Johns County, Florida.

Section 3. The Clerk is instructed to record the original Grant of Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 1<sup>st</sup> day of April, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: 

Thomas G. Manuel  
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman

Deputy Clerk

RENDITION DATE 4/4/08

between intersections) are desirable.

**B. Subdivision Collector Roads**

Curvilinear roads are encouraged.

**C. Right-of-Way**

1. Right-of-Way design standards and other regulations shall be in accordance and comply with Right-of-Way regulations in Part 6.04.00 Roadways, Drainage & Utilities Standards.

2. Right-of-Way Protection and Acquisition

Right-of-Way shall be reserved or dedicated for existing or future County or State Road corridors in accordance with the provisions of Section 6.04.04.H. of this Code.

3. Existing Roads

Additional Right-of-Way adjacent to existing St. Johns County and State Roads shall be dedicated to St. Johns County or the Florida Department of Transportation where needed to provide such sidewalks, ditches, auxiliary lanes, storage lanes, and other such Improvements necessitated by the Development.

4. Intersections

Sight distance shall be provided at all intersections by either providing rounded Right-of-Way lines or straight corner cuts (sight distance triangles). Right-of-Way at Subdivision intersections shall be rounded with a minimum twenty-five (25) foot radius, or as otherwise required by traffic conditions or geometric requirements. Corner cuts shall meet or exceed the limits of the twenty-five (25) foot radius. The engineer shall consider sight distance requirements in determining the amount of Right-of-Way to provide at Roadway intersections.

5. Dead-end Streets

The maximum length for a dead-end Street shall be eighteen hundred (1,800) feet. A cul-de-sac shall be constructed at the end of a dead-end Street and shall be in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Where a Street is to be continued, or during phased Construction, a "T" type turnaround will be required when a Street is one hundred (150) feet or more in length as measured from the nearest intersection. The "T" type turnaround will be in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards.

6. Buffer Walls

Buffer walls shall be constructed along all Arterial and Major Collector Roadways abutting residential land Uses. As an alternative to masonry buffer walls, vegetated earthen berms shall be allowed meeting the provisions of the buffer/screening requirements of Section 6.06.04. For Subdivision Projects along

Standards and the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

3. A visual obstruction as described in Section 6.04.04.G.2. above shall be considered a Non-Conforming Use if before the effective date of this Code it was either complete and in existence or it was both (a) formally permitted by St. Johns County and (b) substantial investment was made on its completion or erection of the obstruction which investment would be lost by compliance with this Part 6.04.00. Such Non-Conforming Use may continue to exist but shall not be altered, expanded, replaced, renewed, or enhanced after the effective date of this Code without full compliance with the terms of this Part 6.04.04.G.2.a. and b. above shall be permitted or allowed to exist as a Non-Conforming Use after the effective date of this Code.

H. Right-of-Way Protection and Acquisition

1. No new Subdivisions or non-residential Development (Buildings, Parking Areas, water retention, etc.) shall be permitted within proposed future County or State Road Right-of-Way corridors, as established in the Traffic Circulation Plan and Goals, Objectives & Policies of the St. Johns County Comprehensive Plan, unless approved by the Board of County Commissioners.
2. Prior to the Development of new Subdivisions or non-residential Development contiguous to existing County Collector Roadways, Right-of-Way shall be reserved or dedicated to St. Johns County in accordance with the Transportation Element of the St. Johns County Comprehensive Plan or other requirements specified within County approved plans, unless otherwise approved by the Board of County Commissioners.
3. No Development activity shall be permitted within existing County Right-of-Way, unless approved by the Board of County Commissioners.

**Sec. 6.04.05 Access Management**

A. General

St. Johns County has the authority to establish, control, and limit points of ingress and egress from County Roadways to ensure the safety and efficiency of its Roadway system. These standards are intended to implement Florida law. Consequently, this Code shall be consistent with the Florida Department of Transportation (FDOT) "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), FDOT "Roadway and Traffic Design Standards" (Standards), and the United States Department of Transportation "Manual on Uniform Traffic Control Devices" (MUTCD) unless specifically revised by this Code or the S&D Manual. References will be made to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications). No facilities for ingress or egress to County Roadways shall be constructed unless they comply with the standards set forth in this Part 6.04.00.

This Section adopts an access classification system and standards for regulation and control of vehicular ingress to, and egress from, Major Collectors on the County Roadway system. The implementation of the classification system and standards is

- d. All activity under pavement or other stabilized surface within eight (8) feet of edge of pavement on paved roads, or within fifteen (15) feet of the centerline of unpaved roads, should have backfill material placed in no greater than twelve (12) inch lifts, except for the top two (2) feet which should be placed in no greater than eight (8) inch lifts. Backfill material shall be compacted to a density of not less than ninety-five percent (95%) of the maximum density obtained using the Modified Proctor Method.
  - e. All activity under pavement or other stabilized surface more than eight (8) feet from the edge of pavement on paved roads, or more than fifteen (15) feet from the centerline of unpaved roads, should have backfill material placed in no greater than twelve (12) inch lifts, and compacted to a density not less than ninety percent (90%) of the maximum density obtained using the Modified Proctor Method.
2. "Jacking and boring" or "directional boring" of utilities under existing paved Roadways are the preferred methods for all underground Utility installations crossing County paved Roadways. Standards pertaining to these methods shall be the guidelines contained in the then current FDOT Utilities Accommodation Manual.
  3. Jetting of utilities under any Roadway is prohibited. Where a Utility is found to be illegally jetted under an existing Roadway, the Roadway section shall be removed to a depth and width as directed by the County Administrator and the Roadway section reconstructed in conformance to the design for "Open Roadway Cuts" contained in the S&D Manual.
  4. Open cutting of existing pavement and side roads under the jurisdiction of St. Johns County generally will not be allowed. Under certain conditions, such as subsurface obstructions, limited space for jacking, high water table, or substandard Roadway surface, open cutting may be allowed with approval of open Roadway cuts. Primary consideration will be given to the age and condition of the existing Roadway pavement and safety and convenience to the public. Where open Roadway cuts are permitted, replacement of fill, base and surface course shall be in conformance with the design for "Open Roadway Cuts": contained in the S&D Manual. "Flowable Fill" or an equivalent material is the preferred method for reconstruction of open Roadway cuts.
  5. All areas disturbed by Construction activities within County Right-of-Way shall be restored to the standards specified for new Construction, or restored to a condition equal to conditions prior to the disturbance if the prior conditions exceeded new Construction standards as determined by the County Administrator.
  6. Drainage shall be maintained throughout the Construction or installation process and shall not be blocked, restricted, or inhibited unless otherwise approved by the County Administrator. All Roadway swales shall be returned to design grade within thirty (30) days of completion of the Utility installation. See Section 6.04.05 F for limits of driveway.

F. Right-of-Way Improvements and Owner Responsibilities

1. No fencing, shrubs, Trees or Construction other than grassing shall be placed in the Right-of-Way without prior County approval or Permit.
2. Construction and maintenance of any driveway connection or other access across public and private Right-of-Way or drainage facilities is the responsibility of the individual Owner. No person shall block or impede the flow of water through any county or private drainage facility, nor shall leaves, trash or other materials be placed in or burned within the aforementioned facilities.
3. All driveway and/or drainage connections to and /or across public Right-of-Way shall require a Permit. The pipe size and invert depth of all side drains/driveway culverts shall be approved by the County Administrator and set to the County specified grades. In cases where the driveway connection does not require a pipe, the driveway should be constructed with a minimum of four (4) inches of reinforced concrete (3,000 psi) to conform with the existing flow line of the roadside swale, or as established by the County Administrator.
4. Any connection to Public Roadways found to be installed incorrectly or without Permit shall be subject to enforcement procedures, fines, and/or removal of the facility by the County Administrator. The Applicant has the option to replace the facility at the Applicant's expense upon approval of the County Administrator.
5. All privately owned facilities shall be continuously maintained by the Owner, a Property Owners Association, the Developer, or other entity approved by the County and designated in the Construction application. Failure to adequately maintain the facilities shall be a violation of this Part.

G. Intersection Sight Distance Requirements

1. For the purpose of this Section, "defined intersection" is any intersection that has a County owned or maintained road, Street, or any other type of Roadway as one of the Roadways comprising the intersection; except, any such intersection where there is a required stop condition (multi-way stop Sign, traffic signal, or continual flashing red signal indication) for each Roadway traffic lane entering the intersection.
2. To ensure adequate visibility at defined intersections, the Owner or Owners of private real property shall not:
  - a. plant or permit the growth of shrubbery or any other vegetation above the height of thirty (30) inches from the surrounding general ground level;
  - b. allow Tree branches to extend below the height of ten (10) feet from the surrounding general ground level; or
  - c. allow any berm, fence, wall, or any other Structure to be erected, placed or exist, which will obstruct a driver's view of approaching traffic on a through road or Street. Clear sight distance shall be in accordance with criteria established in the applicable sections of the current State of Florida Department of Transportation Roadway and Traffic Design

Prepared by:  
Laurie Ford  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

**GRANT OF EASEMENT**

THIS EASEMENT executed and given this 14<sup>th</sup> day of January, 2008, by HUSSAIN AZIZ AL-MASHAT, with an address of 285 Atlantis Circle Unit 306, St. Augustine, Florida 32080, hereinafter called "Grantor", to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the "Grantee".

**WITNESSETH:**


That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, said Grantors hereby give, grant dedicate and convey to the Grantee, its successors and assigns forever, an unobstructed right-of-way and non-exclusive permanent easement for road right-of-way with the right, privilege and authority to said Grantee, its successors and assigns, to construct, operate, lay, maintain, improve and repair either above or below the surface of the ground, drainage facilities and utilities on, along, over, through, across or under the following described land, situate in St. Johns County, Florida, to wit:

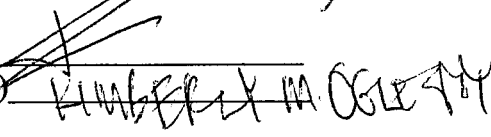
Property as described on attached Exhibit "A", incorporated by reference and made a part hereof.

TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under or in lands, together with the right, easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal the day and year first above written.

Signed and Sealed in Our Presence as Witnesses:

(sign)   
(print) Carl Kinsey

(sign)   
(print) Kimberly M. Oglesby

GRANTOR:

  
Hussain Aziz Al-Mashat

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 14th day of January, 2008, by Hussain Aziz Al-Mashat. Who is personally known to me or has produced n/a as identification.


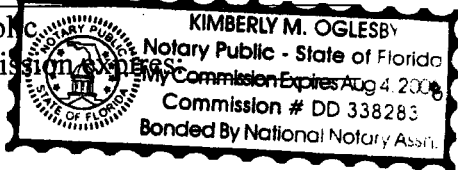
  
Notary Public  
My Commission Expires  
  
KIMBERLY M. OGLESBY  
Notary Public - State of Florida  
My Commission Expires Aug 4, 2008  
Commission # DD 338283  
Bonded By National Notary Ass'n.

Exhibit "A"

A portion of Lot 1, Block 18, St. Augustine Park, Unit Two, as recorded in Map Book 10, Pages 61-63 of the current Public Records of St. Johns County, Florida being more particularly described as follows:

For a Point of Beginning commence at the northerly corner of said Lot 1, same being the northerly corner of said Block 18, said corner being the intersection of the southwesterly Right-of-Way line of Sunset Boulevard (a 60-foot Right-of-Way per plat) and the southeasterly Right-of-Way line of Flagler Boulevard (a 70-foot Right-of-Way per plat); Thence run South 38 degrees 05 minutes East, along the northeasterly line of said Lot 1, same being the aforementioned southwesterly line of Sunset Boulevard, a distance of 20.00 feet; Thence North 83 degrees 05 minutes West, departing said northeasterly line of Lot 1, a distance of 28.28 feet to the northwesterly line of said Lot 1, same being the aforementioned southeasterly Right-of-Way line of Flagler Boulevard; Thence North 51 degrees 55 minutes East, along said northeasterly line of Lot 1, a distance of 20.00 feet to the Point of Beginning.

Containing 200 square feet, more or less.