

RESOLUTION NO. 2009- 120

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR ACCESS AND MAINTENANCE OF THE SEWER SYSTEM LOCATED ON PONTE VEDRA BOULEVARD.

RECITALS

WHEREAS, Susan E. Forster and Peter H. Forster, have executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for access and maintenance of the sewer system located on Ponte Vedra Boulevard; and

WHEREAS, this sewer system was associated with the acquisition of Intercoastal Utilities. Upon review of the as-builts by Utility staff it was found that an easement was needed for access and maintenance of the system at this location; 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 in that area; 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 above described Easement for Utilities attached and incorporated hereto, is hereby accepted.

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 5th day of May, 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 5/7/09



EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 23 day of MARCH, 2009 by **SUSAN E. FORSTER AND PETER H. FORSTER**, wife and husband, with an address of P.O. Box 1519, Ponte Vedra Beach, Florida 32004-1519, hereinafter called "Grantor" to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, 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 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 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. 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, 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. SEWER SYSTEM - Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and sewer lines located within the Easement Area. The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service laterals. 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.

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:

[Signature]

[Signature]
Susan E. Forster

Witness Diana Gonzalez

[Signature]
Print Name Diana Gonzalez

[Signature]
Peter H. Forster

[Signature]
Witness Diana Gonzalez

Print Name

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 23 day of March, 2009, by Susan E. Forster and Peter H. Forster, who is personally known to me or has produced FL D. License as identification.

[Signature]
Notary Public



EXHIBIT "A" to Easement

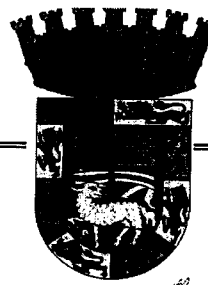
EASEMENT AREA

A part of Government Lot 1, Section 2, Township 4 South, Range 29 East, St. Johns County, Florida, being those lands described as Parcel "A" in Official Records Volume 154, page 389 of the public records of said County, together with a portion of Ponte Vedra Boulevard as abandoned and vacated as per Official Records Volume 219, page 681, and being more particularly described as follows: for a point of beginning, commence at the Southwest corner of those lands described as Parcel "A" in Official Records Volume 154, page 389 of the public records of said County, said point lying on the Easterly right-of-way line of Ponte Vedra Boulevard (right-of-way varies); thence, North $12^{\circ}25'19''$ West, along said right-of-way line, a distance of 6.99 feet to an angle point in said right-of-way line where Ponte Vedra Boulevard has been abandoned and vacated as per Official Records Volume 219, page 681; thence North $17^{\circ}48'39''$ West along said right-of-way line as now established, a distance of 100.93 feet to the point of curvature with a curve concave to the Southwest and having a radius of 1069.99 feet; thence Northwesterly along the arc of said curve, and continuing along said right-of-way line, a distance of 93.44 feet, making a central angle of $05^{\circ}00'13''$ and having a chord bearing of North $20^{\circ}18'45''$ West and a chord distance of 93.41 feet to an intersection with a Westerly extension of the North line of said lands described as Parcel "A" in Official Records Volume 154, page 389; thence North $77^{\circ}34'41''$ East, along said North line and along the South line of Ocean Ridge, as recorded in Map Book 20, pages 36, 37 and 38 of said public records, a distance of 436 feet, more or less, to the mean high water line of the Atlantic Ocean; thence Southeasterly along said mean high water line, a distance of 204 feet, more or less, to a point that bears North $77^{\circ}34'41''$ East from the point of beginning, and to the South line of said Parcel "A" of Official Records Volume 154, page 389; thence South $77^{\circ}34'41''$ West, along the South line of said Parcel "A" of Official Records Volume 154, page 389, a distance of 425 feet, more or less, to the point of beginning.

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

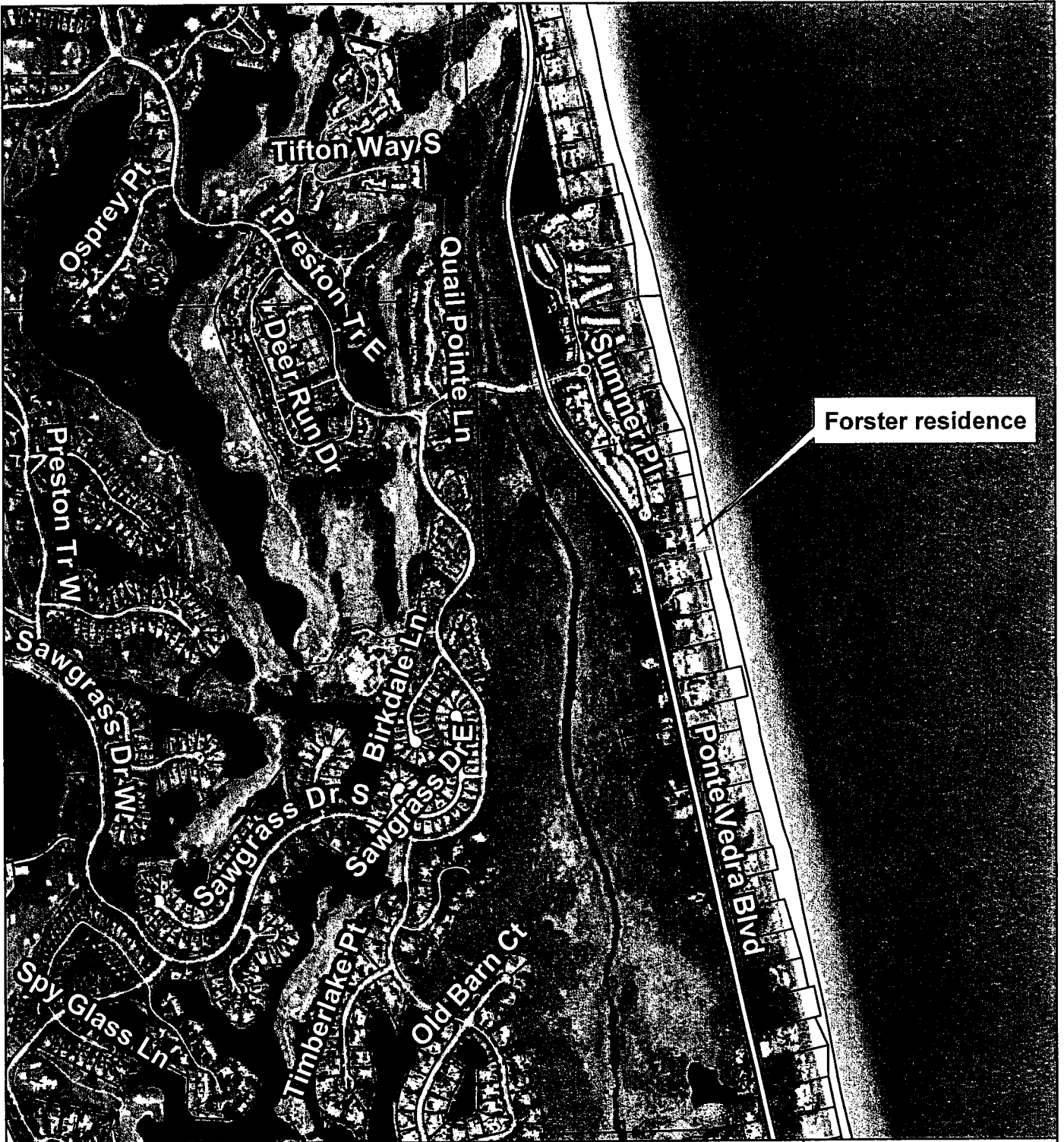
INTEROFFICE MEMORANDUM

TO: NANETTE BRADBURY, REAL ESTATE COORDINATOR
FROM: MELISSA CARAWAY, UTILITY REVIEW COORD., ENGINEERING
THROUGH: ROBERT ZAMMATARO, CHIEF ENGINEER - DEVELOPMENT
SUBJECT: EASEMENT FOR 891 PONTE VEDRA BLVD
DATE: MARCH 26, 2009

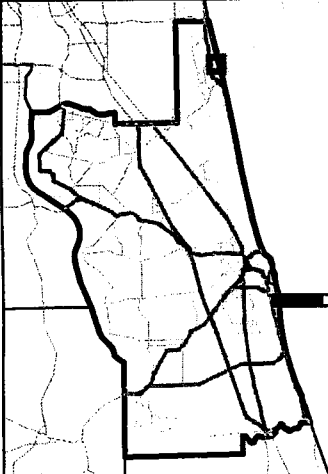
Please present the easement documents to the Board of County Commissioners (BCC) for final approval and acceptance of 891 Ponte Vedra Blvd.

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.



Forster residence



Forster Residence Sewer System

500 1,000 2,000 3,000



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
April 3, 2009
(904) 209-0788

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