

RESOLUTION NO. 2009- 179

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO SOLANO ROAD MINI-CENTER LOCATED ON SOLANO ROAD IN PONTE VEDRA.

RECITALS

WHEREAS, Ponte Vedra Mini Center, LLC, a Florida limited liability company, 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 Solano Road Mini-Center located on Solano Road. The Easement has been recorded by the developer prior to being submitted to the County; 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, 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 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 7th day of July, 2009.

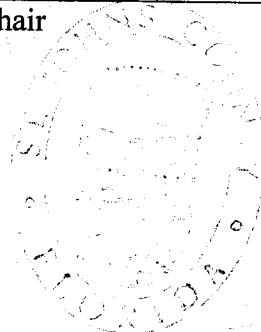
**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Haltemen
Deputy Clerk

RENDITION DATE 7/8/09



Prepared by:
Blake F. Deal III, Esq.
Bartlett, Deal & Briley, PA
135 Professional Dr., Suite 101
Ponte Vedra Beach, FL 32082

Public Records of
St. Johns County, FL
Clerk # 2009024203,
O.R. 3195 PG 1709-1713
05/19/2009 at 01:26 PM,
REC. \$21.00 SUR. \$23.00
Doc. D \$.70

Record & Return to:
Norman Fielder
St. Johns County Florida
1205 SR 16
PO Box 3006
St. Augustine, Fl 32084-8646

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 15th day of May, 2009 by Ponte Vedra Mini Center, LLC, a Florida limited liability company, with an address of 129 Nandina Circle, Ponte Vedra Beach, FL 32082 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 including but not limited to the water distribution system and other accessories, equipment, and appurtenances as may be necessary or convenient for the operation of the underground water 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. This easement is for water 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 any necessary equipment, accessories, or appurtenances which are required for the proper operation and maintenance of the underground water distribution system.

(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:

[Signature]
Witness

By: [Signature]
Ponte Vedra Mini Center, LLC
By, William J. Collins
Managing Member

Blake F. Deal
Print Name

[Signature]
Witness

Katie Mears
Print Name

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 15th day of May, 2009, by William J. Collins, as Managing Member of Ponte Vedra Mini Center, LLC who is personally known to me or has produced _____ as identification.

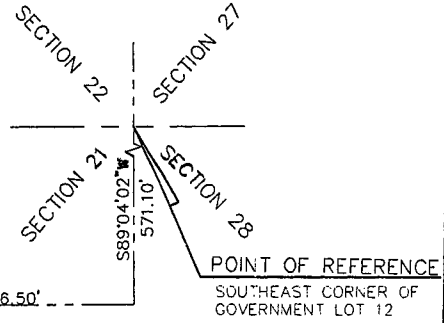
[Signature]
Notary Public

 **Blake F. Deal**
Commission # DD609694
Expires October 29, 2010
Bonded Troy Fain Insurance, Inc. 800-385-7019

MAP OF EXHIBIT "A", PAGE 1 to Easement

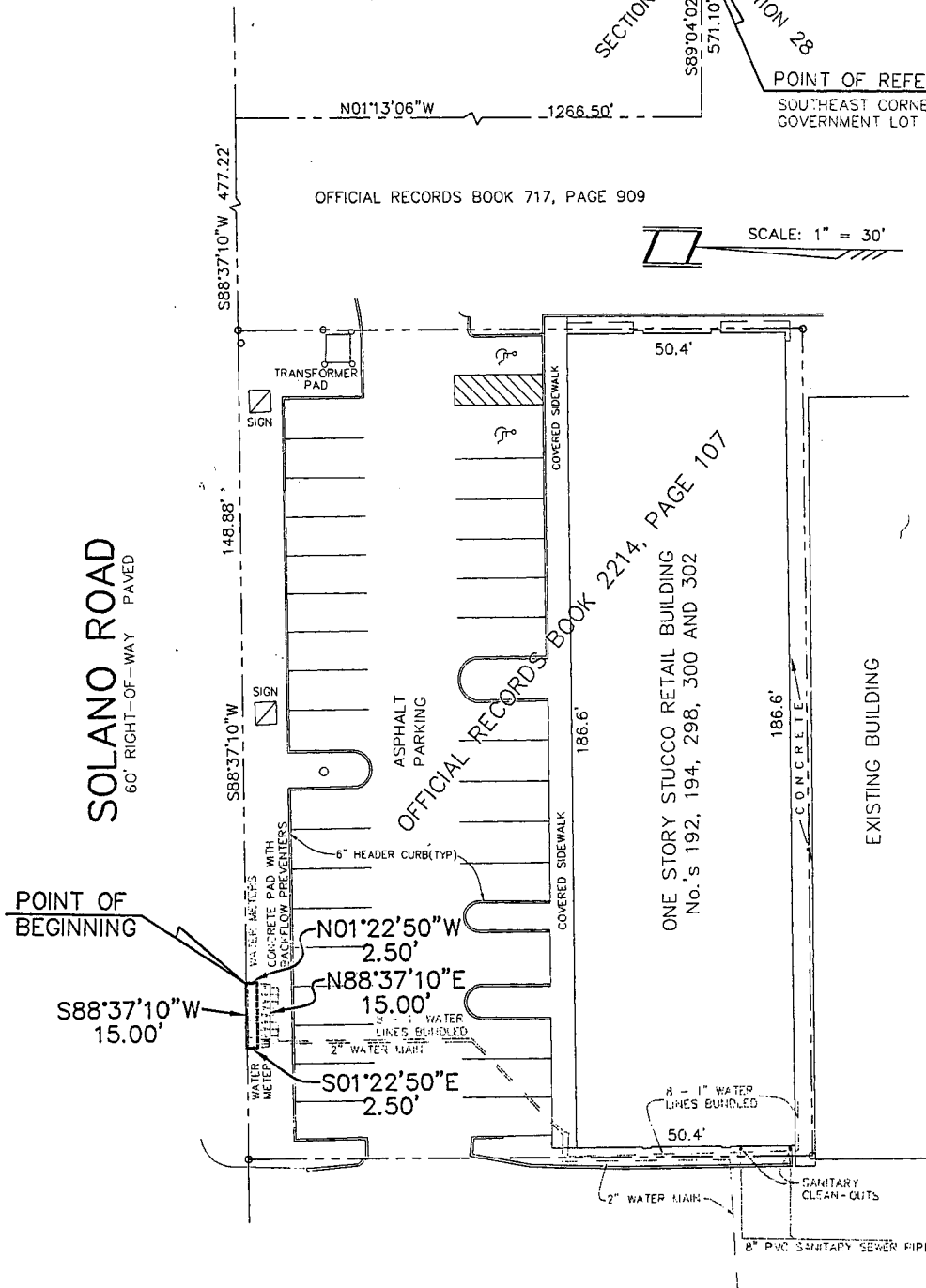
A PORTION OF GOVERNMENT LOT 12, SECTION 21,
TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS
COUNTY, FLORIDA. (SEE SHEET 2 OF 2 FOR
COMPLETE DESCRIPTION)

SEE SHEET 2 OF 2 FOR DESCRIPTION TO
ACCOMPANY THIS MAP, GENERAL NOTES
AND SIGNATURE OF SURVEYOR.



OFFICIAL RECORDS BOOK 717, PAGE 909

SCALE: 1" = 30'



"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

REVISED EASEMENT - APRIL 22, 2009

CHECKED BY: _____
DRAWN BY: SWC
FILE #: 2009-0247

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: APRIL 21, 2009
SHEET 1 OF 2

MAP OF

A PORTION OF GOVERNMENT LOT 12, SECTION 21, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE SOUTHEASTERLY CORNER OF SAID GOVERNMENT LOT 12; THENCE SOUTH 89° 04' 02" WEST, ALONG SAID SOUTHERLY LINE OF SAID GOVERNMENT LOT 12, 571.10 FEET; THENCE NORTH 01° 13' 06" WEST, 1,266.50 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SOLANO ROAD, (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 88° 37' 10" WEST, ALONG LAST SAID LINE, 477.22 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2214, PAGE 107 OF THE PUBLIC REOCRDS OF SAID COUNTY; THENCE CONTINUE SOUTH 88° 37' 10" WEST AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 148.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88° 37' 10" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 15.00 FEET; THENCE SOUTH 01° 22' 50" EAST, 2.50 FEET; THENCE NORTH 88° 37' 10" EAST, 15.00 FEET; THENCE NORTH 01° 22' 50" WEST, 2.50 FEET TO THE POINT OF BEGINNING.
 CONTAINING 37.5 SQUARE FEET, MORE OR LESS.


SEE SHEET 1 OF 2 FOR MAP TO ACCOMPANY THIS DESCRIPTION.

NOTES

1. THIS IS A MAP ONLY.
2. BEARINGS BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF SOLANO ROAD BEING SOUTH 88°37'10" WEST AS PER OFFICIAL RECORDS BOOK 2214, PAGE 107 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

REVISED EASEMENT - APRIL 22, 2009

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."



DONN W. BOATWRIGHT, P.S.M.
 FLA. LIC. SURVEYOR AND MAPPER No. LS 3295
 FLA. LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: _____
 DRAWN BY: SWC
 FILE #: 2009-0247

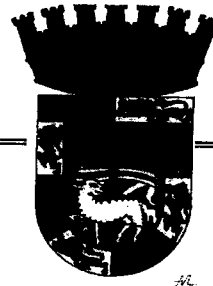
BOATWRIGHT LAND SURVEYORS, INC.
 1500 ROBERTS DRIVE
 JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: APRIL 21, 2009
 SHEET 2 OF 2

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

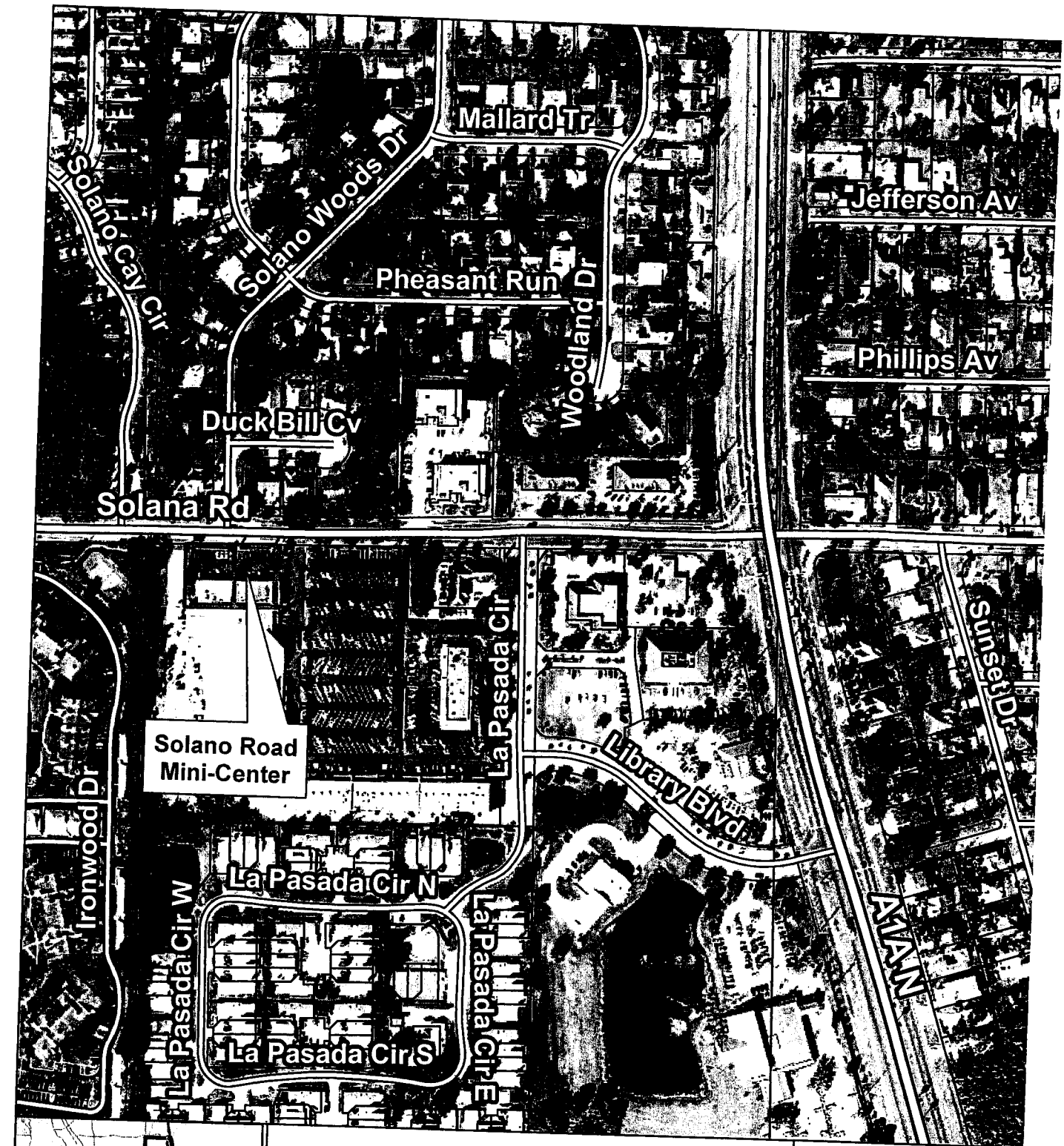
INTEROFFICE MEMORANDUM

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Robert Zammataro, Chief Engineer - Development
SUBJECT: Solano Road Mini-Center Expansion
DATE: June 5, 2009

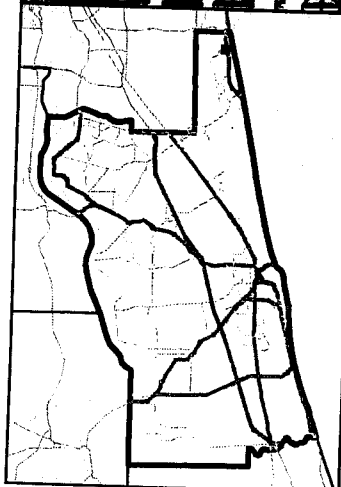
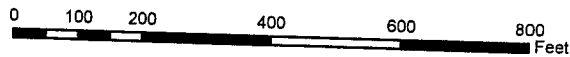
Please present the Easement Document to the Board of County Commissioners (BCC) for final approval and acceptance of Solano Road Mini-Center Expansion.

After acceptance by BCC, please provide the Utility Department with a copy of the executed resolution and a recorded copy for the utilities for our files.

Your support and cooperation as always are greatly appreciated.



Solano Road Mini-Center Easement for Utilities



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
June 9, 2009
(904) 209-0788

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