

RESOLUTION NO. 2009- 215

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF OF NOCATEE PARKWAY AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE EASEMENT.**

**RECITALS**

**WHEREAS**, the St. Johns County Land Development Land Code, Section 6.08.12, requires the dismantling and removal of telecommunications towers after abandonment; and

**WHEREAS**, Section 6.08.12 (N) of the Zoning Ordinance requires the fee owner of the land underlying the telecommunications tower to grant an easement to St. Johns County for access to the tower site for removal of an abandoned tower; and

**WHEREAS**, the Temporary Access Easement as described in Exhibit "A", incorporated by reference and made a part hereof, conveys to St. Johns County the required access to the tower site in the event that the tower is abandoned; and

**WHEREAS**, to the extent that there are scrivener's, 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 Board of County Commissioners hereby authorizes the County Administrator to execute the Temporary Access Easement.

**Section 3.** The Clerk is instructed to record the original Temporary Access Easement in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 18<sup>th</sup> day of August, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Ron Sanchez  
Ron Sanchez, Vice Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman  
Deputy Clerk

RENDITION DATE 8/20/09



Exhibit "A" to Resolution

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

This document prepared by:  
Spencer N. Cummings  
Pappas Metcalf Jenks & Miller  
245 Riverside Ave, Suite 400  
Jacksonville, FL 32202

**TEMPORARY ACCESS EASEMENT**

This Temporary Access Easement ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between **SONOC COMPANY, LLC**, a Delaware limited liability company, having an address at 4310 Pablo Oaks Court, Jacksonville, Florida 32224, their successors and/or assigns, hereinafter referred to as "GRANTOR", to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, P.O. Drawer 349, St. Augustine, FL 32085-0349, hereinafter referred to as "GRANTEE", their licensees, agents, successors and assigns.

**WITNESSETH:**

WHEREAS, Ponte Vedra Tower Development, LLC ("PV Tower"), as "Lessor", has entered into an Option and Ground Lease Agreement dated November 13, 2008 (the "Option and Lease Agreement"), with TowerCom III, LLC ("TowerCom"), as "Lessee", with respect to that certain land currently owned by GRANTOR described on Exhibit "A" attached hereto (the "Leased Premises");

WHEREAS, the Option and Lease Agreement contemplates the construction of a telecommunications facility on the Leased Premises by TowerCom;

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "LDC") requires the dismantling and removal of telecommunications facilities after abandonment;

WHEREAS, Section 6.08.12(S)(2) of the LDC requires a valid easement in favor of GRANTEE, to adequately access the Antenna Tower site for removal of the subject tower not complying with the time periods established within Section 6.08.12(N) (Abandonment); and

WHEREAS, GRANTOR wishes to grant this Easement to GRANTEE to satisfy the terms of Section 6.08.12(S)(2) of the LDC.

NOW THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by GRANTEE, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. **GRANT OF EASEMENT.** GRANTOR hereby grants to GRANTEE a non-exclusive access easement over the Leased Premises, as hereinafter provided.

The easement rights herein granted (a) shall be used by GRANTEE solely for purposes of providing GRANTEE ingress and egress over the Leased Premises for the purpose of removing TowerCom's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12(N) of the LDC, with the right, privilege, and authority of GRANTEE, its successors and assigns, to enter onto the Leased Premises to remove the telecommunications facilities therefrom in accordance with and subject to the requirements of Section 6.08.12(N) of the LDC; and (b) shall include the right and authority of the GRANTEE to grant or assign to third parties all or some of the easement rights granted to GRANTEE herein.

2. **AUTHORITY.** GRANTOR warrants to GRANTEE that GRANTOR has the authority to enter into this Easement.

3. **TERMINATION.** This Easement shall terminate automatically if the Option and Lease Agreement is terminated prior to commencement of construction of telecommunications improvements on the Leased Premises. In addition, if construction of telecommunications improvements is commenced after the date of this Easement, then this Easement shall terminate automatically upon the removal of such telecommunications improvements from the Leased Premises, whether removed by PV Tower, TowerCom, GRANTOR, GRANTEE, or any third party. At the request of the GRANTOR, GRANTEE shall execute a recordable document evidencing such termination. If GRANTEE shall fail to execute such a document within thirty (30) days of GRANTOR's request, GRANTOR may record an affidavit certifying that this Easement has been terminated and such affidavit shall be effective to terminate this Easement.

4. **NO PUBLIC RIGHTS.** This Easement does not create or convey any rights whatsoever to the public to use the easement, nor grant or convey to GRANTEE, his successors and assigns, any right or capability to dedicate to the public all or any portion of any right or rights in this easement or in the easement premises.

5. **REMOVAL PERMISSION.** As required by Section 6.08.12(S)(2) and (3) of the LDC, GRANTOR, PV Tower and TowerCom (who consents and joins in this Easement below) hereby give written permission to GRANTEE for GRANTEE and its staff, agents or contractors to enter the Leased Premises and to remove the subject Antenna Tower located there if it is found to be in violation of Section 6.08.12(N) of the LDC.

6. **SUCCESSORS AND ASSIGNS.** This Easement shall be binding on the parties hereto and their successors and assigns and shall run with title to the Leased Premises.

IN WITNESS WHEREOF, the undersigned have signed and sealed this instrument this \_\_ day of \_\_\_\_\_, 2009.

(Signatures on following page)

**GRANTOR**

WITNESS:

**SONOC COMPANY, LLC,**  
a Delaware limited liability company

*Jed Davis*  
Print Name

*Helen S. Lundquist*  
HELEN S. LUNDQUIST  
Print Name

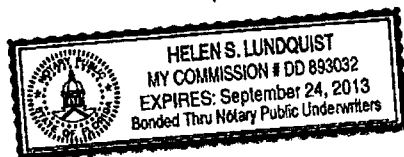
By: *Harry D. Francis*  
Print Name: HARRY D. FRANCIS  
Title: VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 21 day of July, 2009,  
by HARRY D. FRANCIS, as VICE PRESIDENT of **SONOC COMPANY, LLC**, a  
Delaware limited liability company, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

Notary Public: *Helen S. Lundquist*  
Print Name: HELEN S. LUNDQUIST  
My commission expires: 09/24/13

(Notary Seal)



**GRANTEE**

**ST. JOHNS COUNTY, FLORIDA**

a political subdivision of the  
State of Florida

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
\_\_\_\_\_  
Print Name

By: \_\_\_\_\_  
Print Name: Michael Wanchick  
Title: County Administrator

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009,  
by Michael Wanchick, as County Administrator, of St. Johns County,  
Florida, a political subdivision of the State of Florida, on behalf of the County, who is personally  
known to me, or has produced \_\_\_\_\_ as identification.

Notary Public: \_\_\_\_\_

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

(Notary seal)

**CONSENT AND JOINDER**

The undersigned Ponte Vedra Tower Development, LLC, hereby consents and joins in the foregoing Easement and agrees to the terms thereof.

WITNESS:

*[Signature]*  
Print Name Gregory J. Sankour

*[Signature]*  
Print Name Lauren Owens

**PONTE VEDRA TOWER  
DEVELOPMENT, LLC,**  
a Florida limited liability company

By: *[Signature]*  
Print Name: CHRISTOPHER PILINKO  
Title: VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of July, 2009, by Christopher Pilinko, as Vice President, of PONTE VEDRA TOWER DEVELOPMENT, LLC, a Florida limited liability company, who is personally known to me ~~or has produced~~ \_\_\_\_\_ ~~as identification.~~

Notary Public: *[Signature]*

Print Name: \_\_\_\_\_

My commission expires \_\_\_\_\_



(Notary seal)

**CONSENT AND JOINDER**

The undersigned TowerCom III, LLC, hereby consents and joins in the foregoing Easement and agrees to the terms thereof.

WITNESS:

**TOWERCOM III, LLC,**  
a Florida limited liability company

J. Brown  
Jennifer Brown  
Print Name

[Signature]  
JAMES MCENZIE  
Print Name

By: [Signature]  
Print Name: David H. Boeff  
Title: CEO

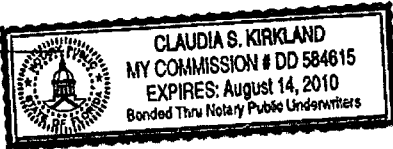
STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of July, 2008, by David H. Boeff, as CEO, of TOWERCOM III, LLC, a Florida limited liability company, who is personally known to me, or has produced \_\_\_\_\_ as identification.

Notary Public: Claudia S. Kirkland

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_



(Notary seal)

LEASED PREMISES



Robert M. Angas Associates, Inc.  
Land Surveyors, Planners and Civil Engineers  
Since 1924

14775 Old St. Augustine Road  
Jacksonville, FL 32258  
Tel: (904) 642-8550  
Fax: (904) 642-4165

December 17, 2008  
Nocatee

Work Order No. 08-259.00  
File No. 120D-33B

Towercom Parcel

A portion of Section 57 of the William Travers Grant, and a portion of Section 59 of the Travers or Palmes Grant, both lying in Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

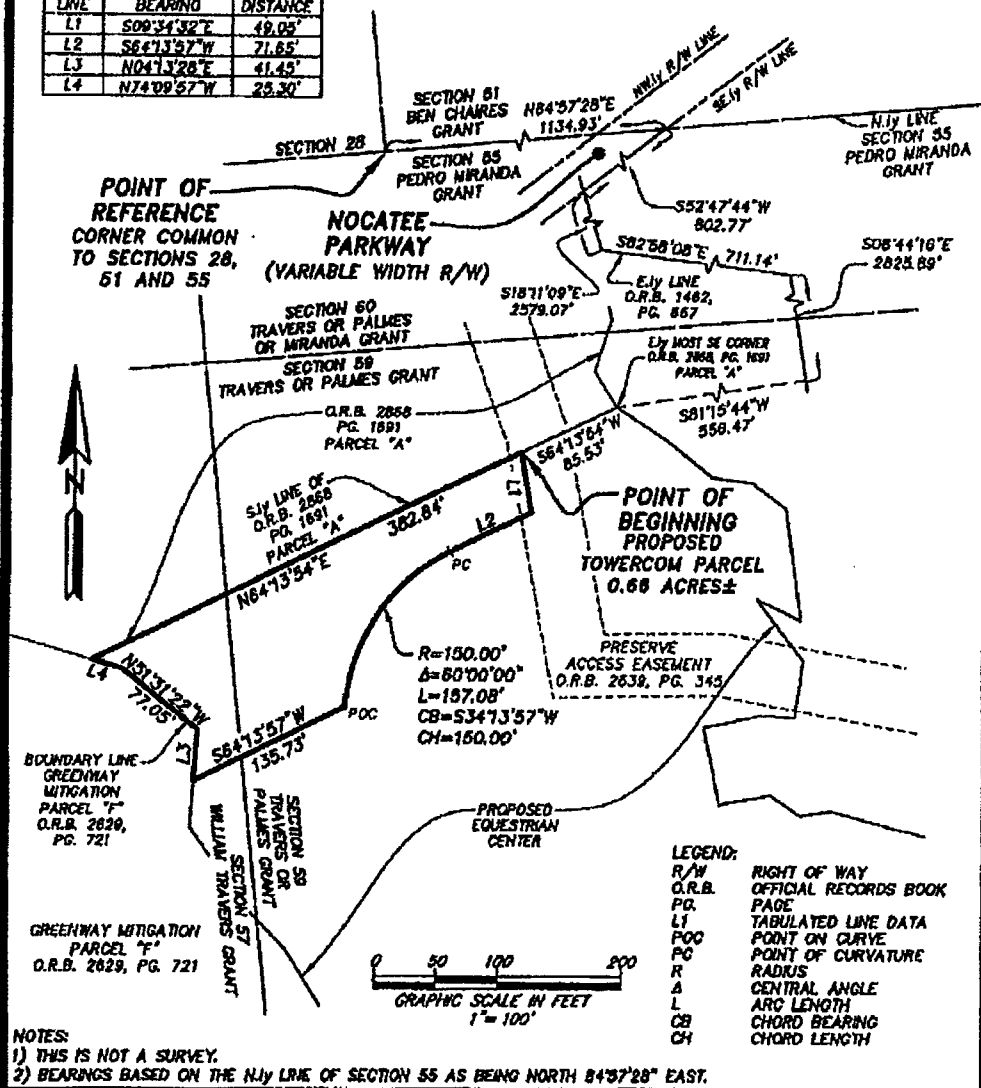
For a Point of Reference, commence at the corner common to Section 28, Section 51 of the Ben Chaires Grant, and Section 55 of the Pedro Miranda Grant, all lying in said Township 4 South, Range 29 East, thence North  $84^{\circ}57'28''$  East, along the Northerly line of said Section 55, a distance of 1134.93 feet to its intersection with the Southeasterly right of way line of Nocatee Parkway, a variable width right of way as presently established, thence South  $52^{\circ}47'44''$  West, departing said Northerly line and along said Southeasterly right of way line, 802.77 feet to its intersection with the Easterly line of those lands described and recorded in Official Records Book 1462, page 667 of said Public Records; thence Southerly and Southeasterly, along said Easterly line, the following three (3) courses: Course one, thence South  $18^{\circ}11'09''$  East, departing said Southeasterly right of way line, 2579.07 feet; Course two, thence South  $82^{\circ}56'08''$  East, 711.14 feet; Course three, thence South  $08^{\circ}44'16''$  East, 2825.89 feet; thence South  $81^{\circ}15'44''$  West, departing said Easterly line, 556.47 feet to Easterly most Southeast corner of Parcel "A", as described and recorded in Official Records Book 2868, page 1691 of the Public Records of said county; thence South  $64^{\circ}13'54''$  West, along the Southerly line of said Parcel "A", 85.53 feet to the Point of Beginning.

From said Point of Beginning, thence South  $09^{\circ}34'32''$  East, 49.05 feet; thence South  $64^{\circ}13'57''$  West, 71.65 feet to the point of curvature of a curve concave Southeasterly, having a radius of 150.00 feet; thence Southeasterly, along the arc of said curve, through a central angle of  $60^{\circ}00'00''$ , an arc length of 157.08 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South  $34^{\circ}13'57''$  West, 150.00 feet; thence South  $64^{\circ}13'57''$  West, 135.73 feet to a point lying on the boundary line of Greenway Mitigation Parcel "F", as described and recorded in Official Records Book 2629, page 721, of said Public Records; thence Northerly and Northwesterly, along said boundary line, the following three (3) courses: Course one, thence North  $04^{\circ}13'28''$  East, 41.45 feet; Course two, thence North  $51^{\circ}31'22''$  West, 77.05 feet; Course three, thence North  $74^{\circ}09'57''$  West, 25.30 feet to a point lying on the Southerly line of said Parcel "A"; thence North  $64^{\circ}13'54''$  East, along said Southerly line, 382.64 feet to the Point of Beginning.

Containing 0.66 acres, more or less.

**SKETCH TO ACCOMPANY DESCRIPTION OF**  
 A PORTION OF SECTION 57 OF THE WILLIAM TRAVERS GRANT,  
 AND A PORTION OF SECTION 59 OF THE TRAVERS OR PALMES GRANT,  
 BOTH LYING IN TOWNSHIP 4 SOUTH, RANGE 29 EAST,  
 ST. JOHNS COUNTY, FLORIDA,  
 BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S02°34'32"E	49.05'
L2	S64°13'57"W	71.65'
L3	N04°13'28"E	41.45'
L4	N74°09'57"W	25.30'



NOTES:  
 1) THIS IS NOT A SURVEY.  
 2) BEARINGS BASED ON THE NLY LINE OF SECTION 55 AS BEING NORTH 84°37'28" EAST.

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



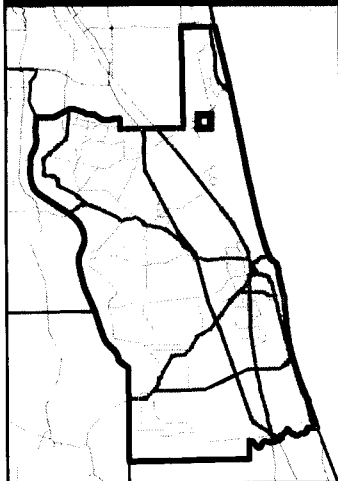
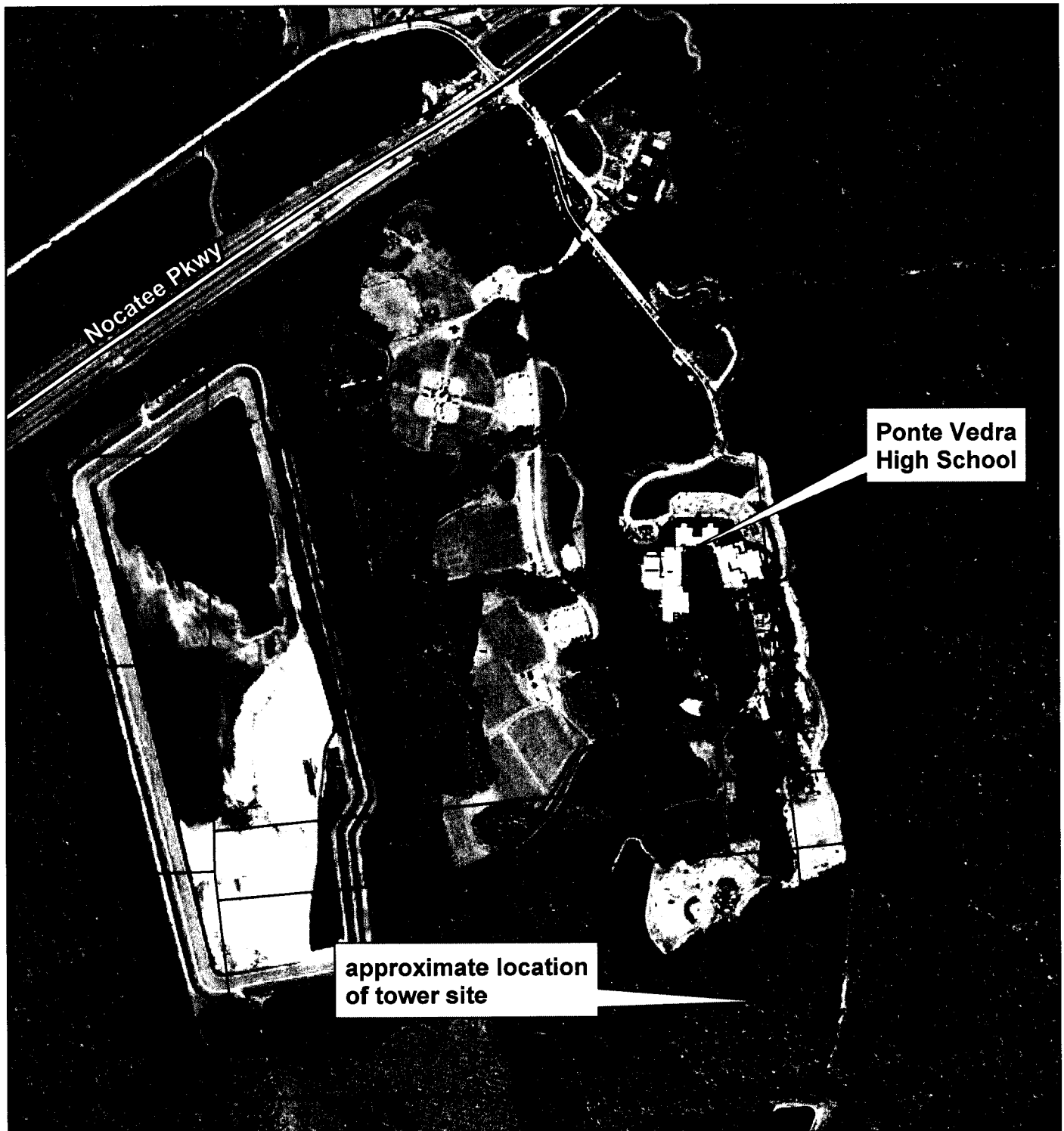
**Robert M. Angas Associates, inc.**  
 LAND SURVEYORS, PLANNERS AND CIVIL ENGINEERS  
 SINCE 1924

14775 St. Augustine Road, Jacksonville, FL 32258 Tel: (904) 642-8550  
 Certificate of Authorization No.: LB 3624

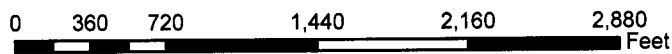
*D. Kelly*  
 DAMIAN J. KELLY  
 PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA LS No. 6284

SCALE: 1" = 100'  
 DATE: DECEMBER 17, 2008

ORDER NO: 08-262-02 FILE NO: 1820-238 DRAWN BY: DML CAD FILE: 5:Survey/MapInfo/MapInfo/MapInfo/Towercom Parcel.dwg



## Tower Site Easement



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
July 7, 2009  
(904) 209-0788



**2008 Aerial Imagery**

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