

RESOLUTION NO. 2009- 217

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE EPIC THEATRES AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM.**

**RECITALS**

**WHEREAS**, Epic Properties of St. Augustine, LLC, a Florida limited liability company, has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water and sewer service to serve Epic Theatres on State Road 207; and

**WHEREAS**, Epic has also executed a Bill of Sale and provided a schedule of values conveying all personal property associated with the water and sewer system which is attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

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

**WHEREAS**, to the extent that there are scrivener, 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 and Bill of Sale attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 18<sup>th</sup> day of August, 2009.

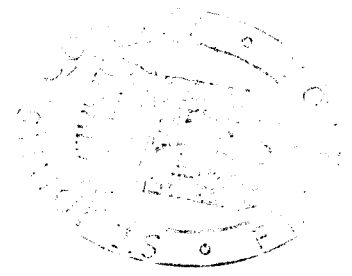
**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA**

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**

**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this <sup>th</sup> 17 day of July, 2009 by **EPIC PROPERTIES OF ST. AUGUSTINE, LLC**, with an address of 1798 S. Woodland Boulevard, Deland, FL 32721, 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 and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and 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. **As a result, the ingress and egress area is noted on the attached and incorporated Exhibit B (Ingress/Egress Area).** This easement is for water and/or 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. (a) WATER SYSTEM - The Grantee shall maintain all water meters and other elements associated with the water meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines located on or within the property boundary.

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:

Christine M. Morris  
Witness

Christine M. Morris  
Print Name

Rebecca Horne  
Witness

Rebecca Horne  
Print Name

Epic Properties of St. Augustine, LLC

By: Epic Properties Holdings, LLC  
Its sole member

By: William Frank DeMarion

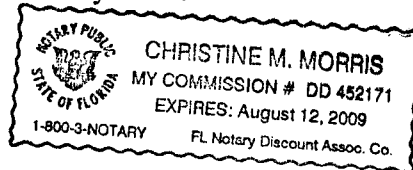
Name: William Frank DeMarion

Title: Managing Member

State of Florida  
County of Volusia

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of July, 2009, by William Frank DeMarion who is personally known to me or has produced \_\_\_\_\_ as identification.

Christine M. Morris  
Notary Public



MAP SHOWING A SKETCH OF

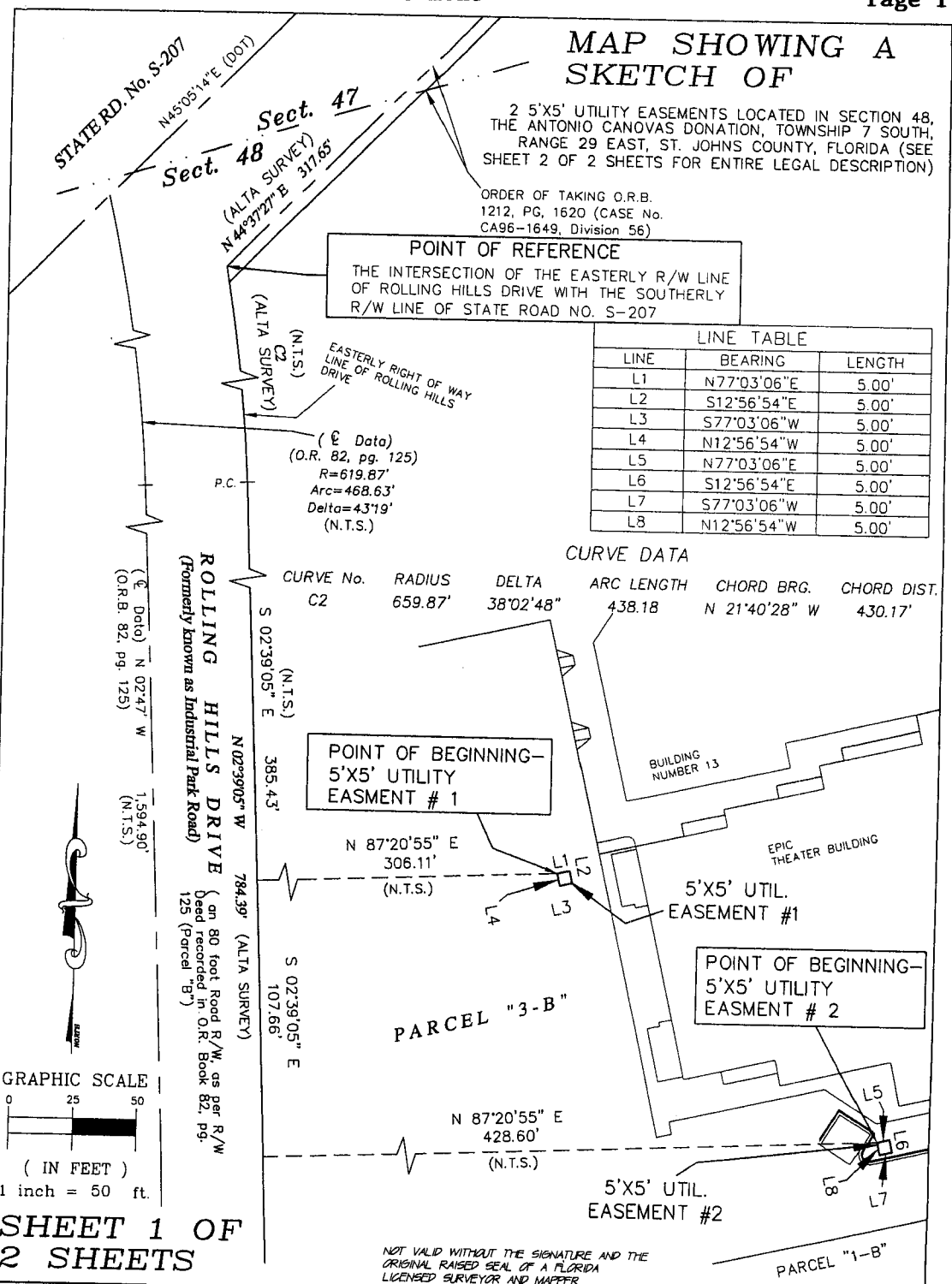
2 5'X5' UTILITY EASEMENTS LOCATED IN SECTION 48, THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA (SEE SHEET 2 OF 2 SHEETS FOR ENTIRE LEGAL DESCRIPTION)

ORDER OF TAKING O.R.B. 1212, PG. 1620 (CASE No. CA96-1649, Division 56)

**POINT OF REFERENCE**  
THE INTERSECTION OF THE EASTERLY R/W LINE OF ROLLING HILLS DRIVE WITH THE SOUTHERLY R/W LINE OF STATE ROAD NO. S-207

LINE TABLE		
LINE	BEARING	LENGTH
L1	N77°03'06"E	5.00'
L2	S12°56'54"E	5.00'
L3	S77°03'06"W	5.00'
L4	N12°56'54"W	5.00'
L5	N77°03'06"E	5.00'
L6	S12°56'54"E	5.00'
L7	S77°03'06"W	5.00'
L8	N12°56'54"W	5.00'

CURVE DATA						
CURVE No.	RADIUS	DELTA	ARC LENGTH	CHORD BRG.	CHORD DIST.	
C2	659.87'	38°02'48"	438.18	N 21°40'28" W	430.17'	



SHEET 1 OF 2 SHEETS

- NOTES**
- BEARINGS ARE BASED ON THE STATE OF FLORIDA, STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, U.S. FEET.
  - THIS IS A SKETCH AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.
  - UNLESS OTHERWISE NOTED, ANY PORTION OF THE PARCEL THAT MAY BE DEEMED AS WETLANDS BY STATE OR GOVERNMENTAL AGENCIES, HAS BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
  - THERE MAY BE RESTRICTIONS OR EASEMENTS OF RECORD EVIDENCED BY TITLE EXAMINATION THAT HAVE NOT BEEN SHOWN HEREON.

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY			
P.C.P.	PERMANENT CONTROL POINT	ESMT	EASEMENT
P.R.M.	PERMANENT REFERENCE MONUMENT	L.B.	LICENSED BUSINESS
P.O.C.	POINT ON CURVE	SECT.	SECTION
P.O.B.	POINT OF BEGINNING	DOT	DEPARTMENT OF TRANSPORTATION
P.O.R.	POINT OF REFERENCE	NO.	NUMBER
P.C.	POINT OF CURVATURE	(N.T.S.)	NOT TO SCALE
P.T.	POINT OF TANGENCY	W/	WITH
P.C.C.	POINT OF COMPOUND CURVE	DRG.	BEARING
P.R.C.	POINT OF REVERSE CURVATURE	DIST.	DISTANCE
P.I.	POINT OF INTERSECTION	R=	RADIUS EQUALS
R/W	RIGHT OF WAY	L=	ARC LENGTH EQUALS
O.R.V.	OFFICIAL RECORDS VOLUME	CH=	CHORD BEARING & DISTANCE EQUALS
D.B.	DEED BOOK	D=	DELTA OR CENTRAL ANGLE EQUALS
P.F.	PAGE	IP	IRON PIPE
CL	CENTERLINE	UTL.	UTILITY

LEGEND		DATE
□	CONCRETE MONUMENT	APRIL 20, 2009
x-x	FENCE	SCALE
○	1/2 IRON PIPE SET (LD 444)	1" = 100'
●	IRON PIPE FOUND (AS NOTED)	JOB NO.
x	CROSS CUT	29939
		P. BOOK(S)
		NA
		PAGE(S)
		NA
		COMPUTER FILE NAME
		SEE DAYSTAMP BELOW
		Drawn by KH

**A & J LAND SURVEYORS, INC.**  
CERTIFICATE OF AUTHORIZATION NO LD 4661  
PROFESSIONAL LAND SURVEYORS OFFICE (904) 346-1795  
5847 LUELLA STREET JACKSONVILLE, FLORIDA 32207 FAX (904) 346-1796

THIS IS TO CERTIFY THAT THIS SKETCH WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 4817-4.0 (FORMERLY CHAPTER 2917-4.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 471.021, FLORIDA STATUTES

*[Signature]*  
JONATHAN B. BOWAN, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600

2 5'X5' UTILITY EASEMENTS LOCATED IN SECTION 48,  
THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH,  
RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA (SEE  
SHEET 1 OF 2 SHEETS FOR SKETCH TO ACCOMPANY THIS  
LEGAL DESCRIPTION)

5'X5' UTILITY EASEMENT # 1  
LEGAL DESCRIPTION

A PORTION OF SECTION 48, THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE, (FORMERLY KNOWN AS INDUSTRIAL PARK ROAD), AN 80 FOOT PUBLIC ROAD RIGHT OF WAY, AS PER THAT DEED RECORDED IN OFFICIAL RECORDS BOOK 82, PAGE 125, (PARCEL "B"), OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-207, A 135 FOOT PUBLIC ROAD RIGHT OF WAY (AT THIS POINT), AS PER STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION NO. 78050-2516, (SHEETS 11 AND 12); THENCE RUN ALONG AND WITH THE AFORESAID EASTERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE THE FOLLOWING TWO (2) COURSES AND DISTANCES:

COURSE NUMBER ONE: SOUTHERLY ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 659.87 FEET, THROUGH A CENTRAL ANGLE OF 38°02'48" TO THE RIGHT, AN ARC LENGTH OF 438.18 FEET TO THE POINT OF TANGENCY, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°40'28"EAST, 430.17 FEET;

COURSE NUMBER TWO: THENCE SOUTH 02°39'05"EAST, A DISTANCE OF 385.43 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE;

THENCE NORTH 87°20'55"EAST, LEAVING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 306.11 FEET TO THE POINT OF BEGINNING; THENCE NORTH 77°03'06"EAST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 12°56'54"EAST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 77°03'06"WEST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE NORTH 12°56'54"WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

5'X5' UTILITY EASEMENT # 2  
LEGAL DESCRIPTION

A PORTION OF SECTION 48, THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE, (FORMERLY KNOWN AS INDUSTRIAL PARK ROAD), AN 80 FOOT PUBLIC ROAD RIGHT OF WAY, AS PER THAT DEED RECORDED IN OFFICIAL RECORDS BOOK 82, PAGE 125, (PARCEL "B"), OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-207, A 135 FOOT PUBLIC ROAD RIGHT OF WAY (AT THIS POINT), AS PER STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION NO. 78050-2516, (SHEETS 11 AND 12); THENCE RUN ALONG AND WITH THE AFORESAID EASTERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

COURSE NUMBER ONE: SOUTHERLY ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 659.87 FEET, THROUGH A CENTRAL ANGLE OF 38°02'48" TO THE RIGHT, AN ARC LENGTH OF 438.18 FEET TO THE POINT OF TANGENCY, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°40'28"EAST, 430.17 FEET;

COURSE NUMBER TWO: THENCE SOUTH 02°39'05"EAST, A DISTANCE OF 385.43 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE;

COURSE NUMBER THREE: THENCE CONTINUE SOUTH 02°39'05"EAST, A DISTANCE OF 107.66 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE;

THENCE NORTH 87°20'55"EAST, LEAVING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 428.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 77°03'06"EAST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 12°56'54"EAST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 77°03'06"WEST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE NORTH 12°56'54"WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

SHEET 2 OF  
2 SHEETS

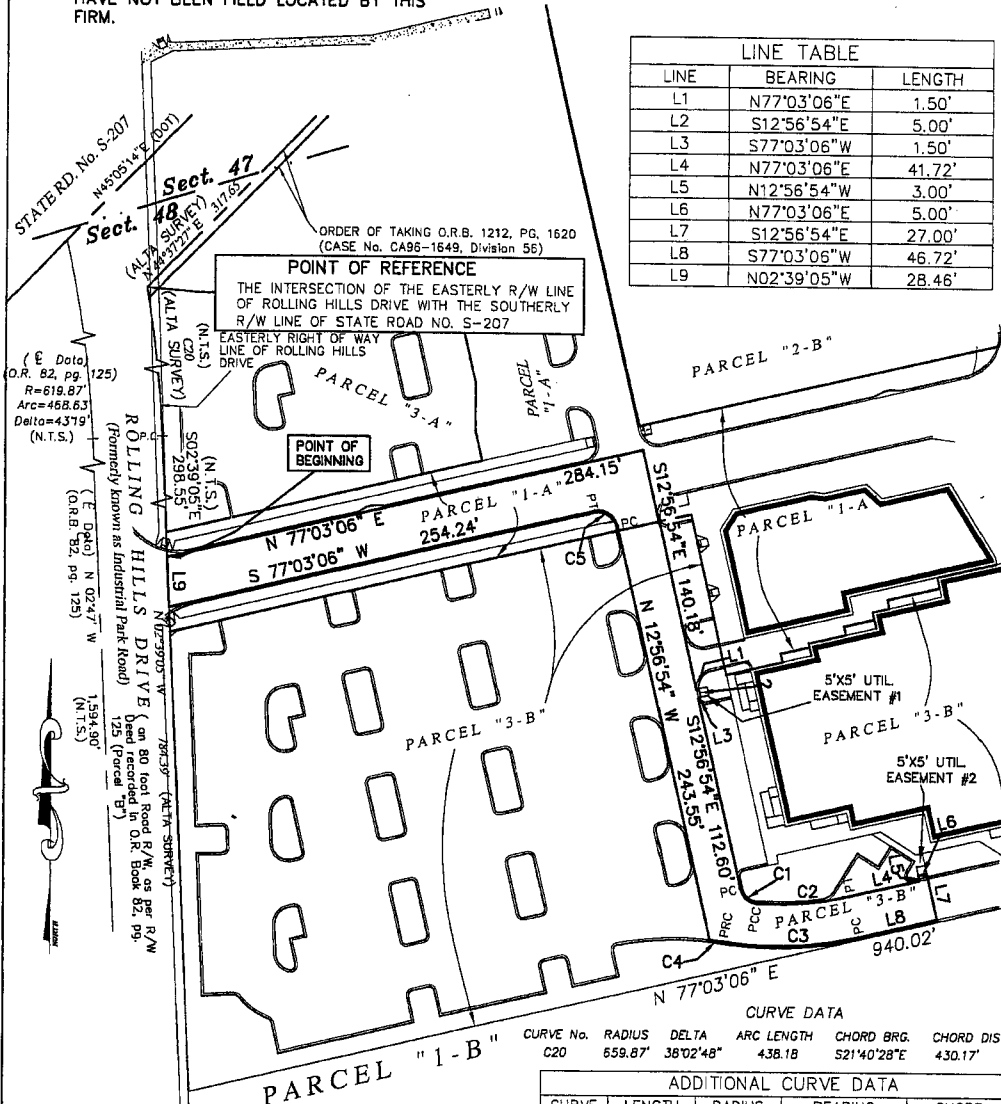
DATE	APRIL 20, 2009
SCALE	1" = 100'
JOB NO.	29939
# BOOK(S)	NA
PAGE(S)	NA
COMPUTER	SEE DAYSTAMP BELOW
FILE NAME	Drawn by KJ

LEGAL DESCRIPTIONS PREPARED BY:  
A & J LAND SURVEYORS, INC.  
CERTIFICATE OF AUTHORIZATION NO. LD 6661  
PROFESSIONAL LAND SURVEYORS  
5847 LUELLA STREET OFFICE (904) 346-1755  
JACKSONVILLE, FLORIDA 32207 PAK (904) 346-1756

MAP SHOWING A SKETCH OF

INGRESS AND EGRESS EASEMENT TO BE DEDICATED TO ST. JOHNS COUNTY FOR THE PURPOSE OF ACCESSING 2 5'X5' UTILITY EASEMENTS ALSO TO BE DEDICATED TO ST. JOHNS COUNTY LOCATED IN SECTION 48, THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA (SEE SHEET 2 OF 2 SHEETS FOR ENTIRE LEGAL DESCRIPTION)

NOTE: PARKING LOT, SIDEWALKS, BUILDINGS, ETC. SHOWN ON THIS SKETCH ARE FOR VISUAL PURPOSES ONLY AND HAVE NOT BEEN FIELD LOCATED BY THIS FIRM.



LINE	BEARING	LENGTH
L1	N77°03'06"E	1.50'
L2	S12°56'54"E	5.00'
L3	S77°03'06"W	1.50'
L4	N77°03'06"E	41.72'
L5	N12°56'54"W	3.00'
L6	N77°03'06"E	5.00'
L7	S12°56'54"E	27.00'
L8	S77°03'06"W	46.72'
L9	N02°39'05"W	28.46'

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	14.13'	11.00'	S49°44'08"E	13.17'
C2	53.90'	188.00'	N85°15'52"E	53.71'
C3	79.27'	212.00'	S87°45'47"W	78.81'
C4	8.12'	188.00'	N82°45'44"W	8.12'
C5	17.28'	11.00'	N57°56'54"W	15.56'

SHEET 1 OF 2 SHEETS

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

NOTES  
 1. BEARINGS ARE BASED ON THE STATE OF FLORIDA, STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, U.S. FEET.  
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ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY	DEFINITIONS
P.C.P.	PERMANENT CONTROL POINT
P.R.M.	PERMANENT REFERENCE MONUMENT
P.O.C.	POINT ON CURVE
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
P.C.C.	POINT OF CURVATURE AND CURVE
P.R.C.	POINT OF REVERSE CURVATURE
P.I.	POINT OF INTERSECTION
R/W	RIGHT OF WAY
O.R. V.	OFFICIAL RECORDS VOLUME
D.B.	DEED BOOK
P.B.	PAGE
E.	CENTERLINE
ESMT	EASEMENT
L.B.	LICENSED BUSINESS
SECT.	SECTION
DOT	DEPARTMENT OF TRANSPORTATION
NO.	NUMBER
(N.T.S.)	NOT TO SCALE
W/	WITH
DRS.	BEARINGS
DIST.	DISTANCE
R=	RADIUS EQUALS
L=	ARC LENGTH EQUALS
CH=	CHORD BEARING & DISTANCE EQUALS
D=	DELTA OR CENTRAL ANGLE EQUALS
IP	IRON PIPE
UTL.	UTILITY

LEGEND	DATE
□ DENOTES CONCRETE MONUMENT	JULY 15, 2009
X-X DENOTES FENCE	SCALE 1" = 50'
○ DENOTES 1/2" IRON PIPE SET (LB MARK)	JOB NO. 30107
● DENOTES IRON PIPE FOUND (AS NOTED)	F BOOK(S) NA
X DENOTES CROSS CUT	PAGE(S) NA
	COMPUTER FILE NAME SEE DAYSTAMP BELOW
	Drawn by KH

A & J LAND SURVEYORS, INC.  
 CERTIFICATE OF AUTHORIZATION NO. LD 4661  
 PROFESSIONAL LAND SURVEYORS OFFICE (904) 246-1755  
 5847 WELLS STREET FAX (904) 246-1756  
 JACKSONVILLE, FLORIDA 32201

THIS IS TO CERTIFY THAT THIS SKETCH WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 11817-40, (FORMERLY CHAPTER 1111-40, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 471.021, FLORIDA STATUTES.

JONATHAN B. BOWAN, STATE OF FLORIDA,  
 REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600

INGRESS AND EGRESS EASEMENT TO BE DEDICATED TO ST. JOHNS COUNTY FOR THE PURPOSE OF ACCESSING 2 5'X5' UTILITY EASEMENTS ALSO TO BE DEDICATED TO ST. JOHNS COUNTY LOCATED IN SECTION 48, THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA (SEE SHEET 2 OF 2 SHEETS FOR ENTIRE LEGAL DESCRIPTION)

INGRESS & EGRESS EASEMENT TO UTILITY EASEMENTS  
LEGAL DESCRIPTION

A PORTION OF SECTION 48, THE ANTONIO CANOVAS DONATION, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE (FORMERLY KNOWN AS INDUSTRIAL PARK ROAD), AN 80 FOOT PUBLIC ROAD RIGHT OF WAY, AS PER THAT DEED RECORDED IN OFFICIAL RECORDS BOOK 82, PAGE 125 (PARCEL "B"), OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-207, A 135 FOOT PUBLIC ROAD RIGHT OF WAY (AT THIS POINT), AS PER STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION NO. 78050-2516, SHEETS 11 AND 12); THENCE RUN ALONG AND WITH THE AFORESAID EASTERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE THE FOLLOWING TWO (2) COURSES AND DISTANCES:

COURSE NUMBER ONE: SOUTHERLY ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 659.87 FEET, THROUGH A CENTRAL ANGLE OF 38°02'48" TO THE RIGHT, AN ARC LENGTH OF 438.18 FEET TO THE POINT OF TANGENCY, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°40'28" EAST, 430.17 FEET;

COURSE NUMBER TWO: THENCE SOUTH 02°39'05" EAST, A DISTANCE OF 298.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 77°03'06" EAST, A DISTANCE OF 284.15 FEET TO A POINT; THENCE SOUTH 12°56'54" EAST, A DISTANCE OF 140.18 FEET TO A POINT; THENCE NORTH 77°03'06" EAST, A DISTANCE OF 1.50 FEET TO A POINT; THENCE SOUTH 12°56'54" EAST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 77°03'06" WEST, A DISTANCE OF 1.50 FEET TO A POINT; THENCE SOUTH 12°56'54" EAST, A DISTANCE OF 112.60 FEET TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE NORTHEASTERLY; THENCE ALONG AND AROUND THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 11.00 FEET, AN ARC LENGTH OF 14.13 FEET TO THE POINT OF COMPOUND CURVATURE LEADING TO A CURVE BEING CONCAVE NORTHERLY, AFORESAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 49°44'08" EAST, 13.17 FEET; THENCE ALONG AND AROUND THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 188.00 FEET, AN ARC LENGTH OF 53.90 FEET TO THE POINT OF TANGENCY, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 85°15'52" EAST, 53.71 FEET; THENCE NORTH 77°03'06" EAST, A DISTANCE OF 41.72 FEET TO A POINT; THENCE NORTH 12°56'54" WEST, A DISTANCE OF 3.00 FEET TO A POINT; THENCE NORTH 77°03'06" EAST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 12°56'54" EAST, A DISTANCE OF 27.00 FEET TO A POINT; THENCE SOUTH 77°03'06" WEST, A DISTANCE OF 46.72 FEET TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE NORTHERLY; THENCE ALONG AND AROUND THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 212.00 FEET, AN ARC LENGTH OF 79.27 FEET TO THE POINT OF REVERSE CURVATURE LEADING TO A CURVE BEING CONCAVE SOUTHERLY, AFORESAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 87°45'47" WEST, 78.81; THENCE ALONG AND AROUND THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 188.00 FEET, AN ARC LENGTH OF 8.12 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 82°45'44" WEST, 8.12 FEET; THENCE NORTH 12°56'54" WEST, A DISTANCE OF 243.55 FEET TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE SOUTHWESTERLY; THENCE ALONG AND AROUND THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 11.00 FEET, AN ARC LENGTH OF 17.28 FEET TO THE POINT OF TANGENCY, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 57°56'54" WEST, 15.56 FEET; THENCE SOUTH 77°03'06" WEST, A DISTANCE OF 254.24 FEET TO A POINT; THENCE NORTH 02°39'05" WEST, A DISTANCE OF 28.46 FEET TO THE POINT OF BEGINNING.

DATE	JULY 15, 2009
SCALE	1" = 80'
JOB NO.	30107
P. BOOK(S)	NA
PAGE(S)	NA
COMPUTER FILE NAME	SEE DAYSTAMP BELOW Drawn by KH

LEGAL DESCRIPTIONS PREPARED BY:  
**A & J LAND SURVEYORS, INC.**  
CERTIFICATE OF AUTHORIZATION NO. LD 6661  
PROFESSIONAL LAND SURVEYORS  
5847 LLELLA STREET  
JACKSONVILLE, FLORIDA 32207  
OFFICE: (904) 346-1799  
FAX: (904) 346-1796

**SHEET 2 OF  
2 SHEETS**

Exhibit "B" to Resolution



**BILL OF SALE**  
**UTILITY IMPROVEMENTS**  
**for**  
**TMI Rolling Hills (Epic Theater)**

Epic Properties of St. Augustine, LLC, 1798 South Woodland Blvd., DeLand, FL 32720, (the "Seller") for and in consideration of the sum of Ten and No/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to **ST. JOHNS. COUNTY, FLORIDA**, a political subdivision of the State of Florida, the following personal property:

On Dobbs Road 630 lf of 8" DR18 PVC water pipe, 2 ea 8" gate valves, 1 ea 8" tapping valve

On Rolling Hills 30 lf of 4" dr-25 PVC sanitary force main pipe, 1 ea 4" tapping valve, 1 ea 4" plug valve, 1-8" gate valve

All of which are located generally as shown on Exhibit "A" attached hereto and made a part hereof by this reference and further described on Exhibit "B" attached hereto and made a part hereof.

The Seller does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good rights to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

**IN WITNESS WHEREOF**, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this 17<sup>th</sup> of July, 2009.

**WITNESS:**

Rebecca Horne  
Witness Signature

Rebecca Horne  
Print Witness Name

**OWNER:**

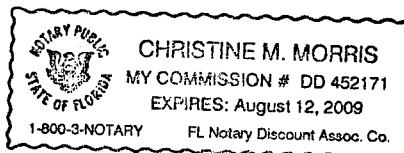
William Frank Demarsh  
Owner's Signature

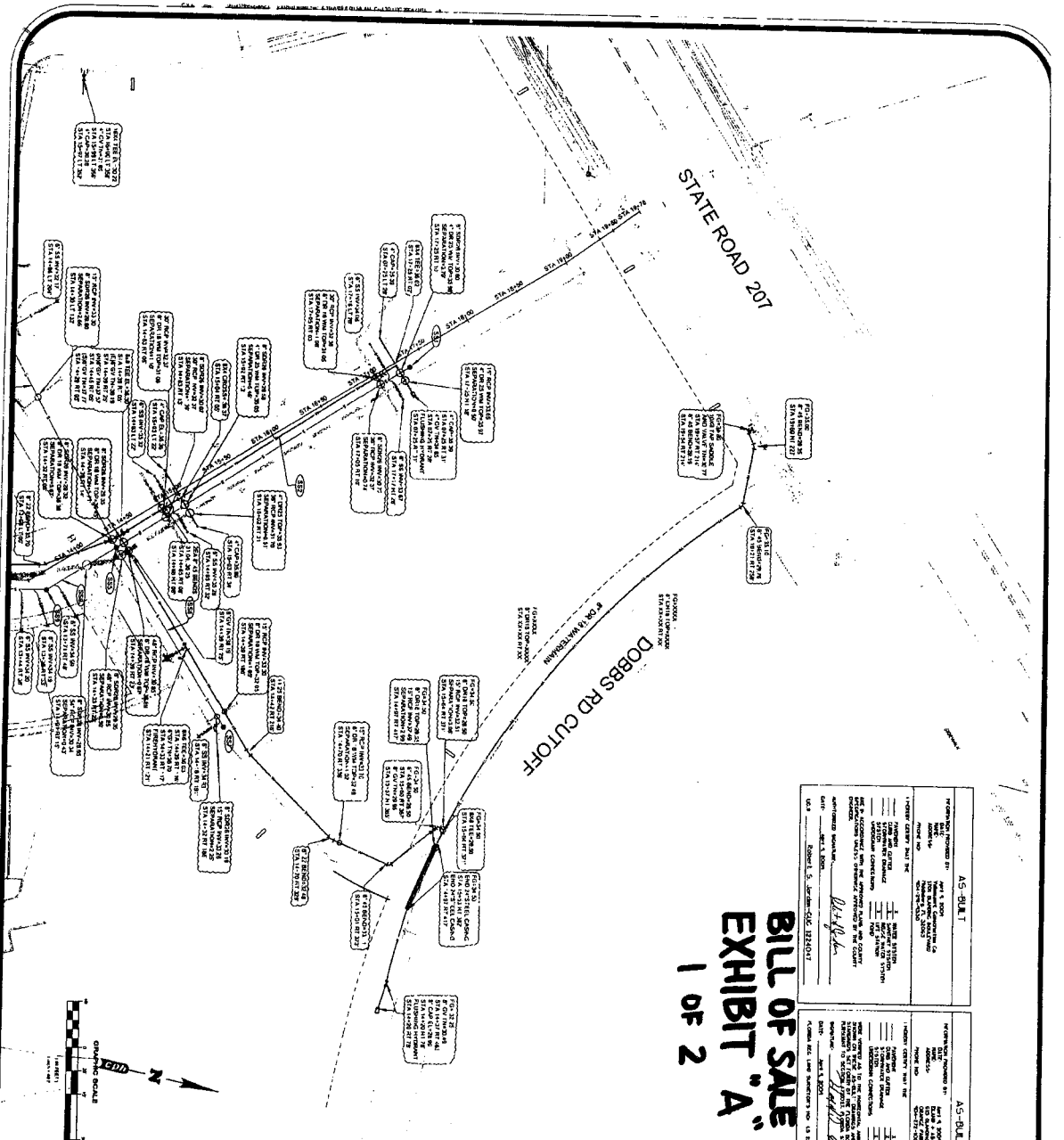
William Frank Demarsh  
Print Owner's Name

State of Florida  
County of Volusia

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of July, 2009, by William Frank Demarsh who is personally known to me or has produced \_\_\_\_\_ as identification.

Christine M. Morris  
Notary Public





**BILL OF SALE**  
**EXHIBIT "A"**  
**1 OF 2**

<p><b>A-5-BUILT</b></p> <p>PROPERTY NUMBER: 511-11-01-001</p> <p>OWNER: [Name]</p> <p>ADDRESS: [Address]</p> <p>DATE: [Date]</p> <p>BY: [Signature]</p>	<p><b>A-5-BUILT</b></p> <p>PROPERTY NUMBER: 511-11-01-002</p> <p>OWNER: [Name]</p> <p>ADDRESS: [Address]</p> <p>DATE: [Date]</p> <p>BY: [Signature]</p>
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**SANITARY SEWER SCHEDULE**

<p>1. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-001</p> <p>2. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-002</p> <p>3. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-003</p> <p>4. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-004</p> <p>5. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-005</p> <p>6. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-006</p> <p>7. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-007</p> <p>8. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-008</p> <p>9. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-009</p> <p>10. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-010</p> <p>11. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-011</p> <p>12. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-012</p> <p>13. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-013</p> <p>14. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-014</p> <p>15. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-015</p> <p>16. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-016</p> <p>17. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-017</p> <p>18. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-018</p> <p>19. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-019</p> <p>20. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-020</p> <p>21. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-021</p> <p>22. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-022</p> <p>23. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-023</p> <p>24. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-024</p> <p>25. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-025</p> <p>26. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-026</p> <p>27. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-027</p> <p>28. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-028</p> <p>29. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-029</p> <p>30. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-030</p> <p>31. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-031</p> <p>32. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-032</p> <p>33. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-033</p> <p>34. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-034</p> <p>35. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-035</p> <p>36. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-036</p> <p>37. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-037</p> <p>38. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-038</p> <p>39. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-039</p> <p>40. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-040</p> <p>41. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-041</p> <p>42. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-042</p> <p>43. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-043</p> <p>44. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-044</p> <p>45. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-045</p> <p>46. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-046</p> <p>47. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-047</p> <p>48. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-048</p> <p>49. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-049</p> <p>50. SANITARY SEWER MAINLINE 12" DIA. 11'00" DEPT. 511-11-01-050</p>	<p>ENCLOSURE LEGEND</p> <p>1. [Symbol] [Description]</p> <p>2. [Symbol] [Description]</p> <p>3. [Symbol] [Description]</p> <p>4. [Symbol] [Description]</p> <p>5. [Symbol] [Description]</p> <p>6. [Symbol] [Description]</p> <p>7. [Symbol] [Description]</p> <p>8. [Symbol] [Description]</p> <p>9. [Symbol] [Description]</p> <p>10. [Symbol] [Description]</p> <p>11. [Symbol] [Description]</p> <p>12. [Symbol] [Description]</p> <p>13. [Symbol] [Description]</p> <p>14. [Symbol] [Description]</p> <p>15. [Symbol] [Description]</p> <p>16. [Symbol] [Description]</p> <p>17. [Symbol] [Description]</p> <p>18. [Symbol] [Description]</p> <p>19. [Symbol] [Description]</p> <p>20. [Symbol] [Description]</p> <p>21. [Symbol] [Description]</p> <p>22. [Symbol] [Description]</p> <p>23. [Symbol] [Description]</p> <p>24. [Symbol] [Description]</p> <p>25. [Symbol] [Description]</p> <p>26. [Symbol] [Description]</p> <p>27. [Symbol] [Description]</p> <p>28. [Symbol] [Description]</p> <p>29. [Symbol] [Description]</p> <p>30. [Symbol] [Description]</p> <p>31. [Symbol] [Description]</p> <p>32. [Symbol] [Description]</p> <p>33. [Symbol] [Description]</p> <p>34. [Symbol] [Description]</p> <p>35. [Symbol] [Description]</p> <p>36. [Symbol] [Description]</p> <p>37. [Symbol] [Description]</p> <p>38. [Symbol] [Description]</p> <p>39. [Symbol] [Description]</p> <p>40. [Symbol] [Description]</p> <p>41. [Symbol] [Description]</p> <p>42. [Symbol] [Description]</p> <p>43. [Symbol] [Description]</p> <p>44. [Symbol] [Description]</p> <p>45. [Symbol] [Description]</p> <p>46. [Symbol] [Description]</p> <p>47. [Symbol] [Description]</p> <p>48. [Symbol] [Description]</p> <p>49. [Symbol] [Description]</p> <p>50. [Symbol] [Description]</p>
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**Valencourt Construction Co. Inc.**  
1701 BLANDING BLVD.  
MIDDLEBURG, FLA. 32068  
(904) 291-9330 FAX 904-291-4922

**WATER AND SEWER ASBUILT**  
**EPIC THEATRES**  
THEATRE AND RETAIL DEVELOPMENT ST JOHNS COUNTY, FL





**St. Johns County Utility Department**  
 Asset Management  
 Schedule of Values

Project Name: Epic Theatres  
 Contractor: Vallencourt Construction Company  
 Developer: Epic Theatres Inc

	UNIT	QUANTITY	UNIT COST	TOTAL COST
<b>Force Mains (Size, Type &amp; Pipe Class)</b>				
4" DR25 PVC	LF	30	\$ 33.34 -	\$ 1,000.20
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
<b>Sewer Valves (Size and Type)</b>				
4" Tapping Valve	Ea	1	\$ 3,000.00	\$ 3,000.00
4" Plug Valve	Ea	1	\$ 2,000.00	\$ 2,000.00
8" Gate Valve	Ea	1	\$ 4,000.00	\$ 4,000.00
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
<b>Gravity Mains (Size, Type &amp; Pipe Class)</b>				
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
<b>Laterals (Size and Type)</b>				
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
<b>Manholes (Size and Type)</b>				
4-6 foot deep	EA		\$ -	\$ -
6-8 foot deep	EA		\$ -	\$ -
8-10 foot deep	EA		\$ -	\$ -
10-12 foot deep	EA		\$ -	\$ -
> 12 foot deep	EA		\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
<b>Lift Station</b>				
Mechanical Equipment	Lump Sum		\$ -	\$ -
Process Piping	Lump Sum		\$ -	\$ -
Process Structure	Lump Sum		\$ -	\$ -
Process Electrical Equipment	Lump Sum		\$ -	\$ -
Other Improvements	Lump Sum		\$ -	\$ -
<b>Total Sewer System Cost</b>				<b>\$ 10,000.20</b>



**St. Johns County Utility Department**  
 Asset Management  
 Schedule of Values

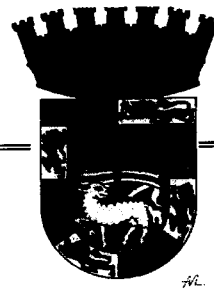
Project Name: Epic theatres ( Dobbs Rd portion only )  
 Contractor: Vallencourt Construction Company  
 Developer: Epic Theatres Inc

	UNIT	QUANTITY	UNIT COST	TOTAL COST
<b>Water Mains (Size, Type &amp; Pipe Class)</b>				
8 DR18 pvc	LF	630	\$ 26.19 -	\$ 16,500.00
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
<b>Water Valves (Size and Type)</b>				
8" gate valve	Ea	2	\$ 1300.00-	\$ 2600.00 -
	Ea		\$ -	\$ -
8" tapping valve	Ea	1	\$ 1250.00 -	\$ 1250.00 -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
<b>Hydrants Assembly (Size and Type)</b>				
	Ea		\$ -	\$ -
NA			\$ -	\$ -
			\$ -	\$ -
<b>Services (Size and Type)</b>				
	Ea		\$ -	\$ -
NA	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
			\$ -	\$ -
<b>Total Water System Cost</b>				<b>\$ 20,350.00</b>

*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

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INTEROFFICE MEMORANDUM

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TO: Nanette Bradbury, Real Estate Coordinator  
FROM: Robert Zammataro, Chief Engineer - Development  
SUBJECT: Epic Theatres  
DATE: July 22, 2009

Please present the Easement, Bill of Sale and Utility Construction Value documents to the Board of County Commissioners (BCC) for final approval and acceptance of Epic Theatres.

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.