

RESOLUTION NO. 2009- 244

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE RESIDENCES AT 4000 MOULTRIE FORESIDE BOULEVARD.**

**RECITALS**

**WHEREAS**, the property owners at 4000 Moultrie Foreside Boulevard, 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 water service to their residences; 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 at this location; and

**WHEREAS**, to the extent that there are typographical, scrivener, 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.

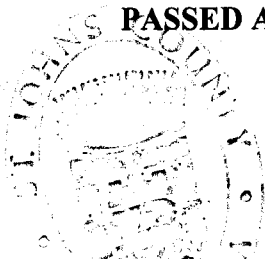
**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**, as follows:

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 by the Board of County Commissioners.

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 15<sup>th</sup> day of September, 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** 9/16/09

Exhibit "A" to Resolution

Prepared by:  
Nanette Bradbury  
St. Johns County Real Estate Division  
500 San Sebastian View  
St. Augustine, FL 32084

**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 10<sup>th</sup> day of August, 2009 by **FREDERICK S. VAILL JR. TRUSTEE OF THE FREDERICK S. VAILL LIVING TRUST, JULIA BELDEN VAILL GATLIN, CHARLES PARKER WALLACE VAILL, DAVID A. CONWAY AND SUSAN G. CONWAY**, with an address of 4000 Moultrie Foreside Blvd., St. Augustine Florida 32086, hereinafter called "Grantors" 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 water distribution system and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water 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 Grantors and Grantee. This easement is for water utility service 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 Grantors are 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) Grantors 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 Grantors bears the cost of relocating the underground water 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 Grantors 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 Grantors.

(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 Grantors.

2. 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, Grantors have 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.

WITNESSES :

OWNERS:

FREDERICK S. VAILL JR., LIVING TRUST

Melissa M Peters

Signature

Melissa M Peters

Print Name

Dameon C Church

Signature

Dameon C Church

Print Name

By: Frederick S. Vaill Jr.

Frederick S. Vaill Jr., Trustee

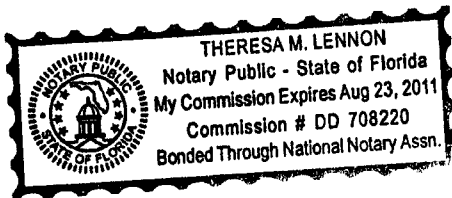
State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me this 3rd day of August, 2009, by Frederick S. Vaill Jr., who is personally known to me or has produced Fla D/C - issued 8/22/06 as identification.

Theresa M Lennon

Notary Public



WITNESSES:

Mary Fasulo  
Signature

Julia Belden Vaill Gatlin  
Julia Belden Vaill Gatlin

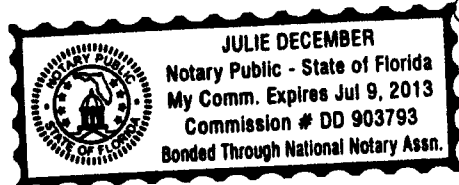
MARY FASULO  
Print Name

[Signature]  
Signature

JULIE DECEMBER  
Print Name

State of Florida  
County of ST JOHN'S

The foregoing instrument was acknowledged before me this 3 day of August, 2009, by Julia Belden Vaill Gatlin, who is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public

WITNESSES:

Melissa M Peters  
Signature

Charles Parker Wallace Vaill  
Charles Parker Wallace Vaill

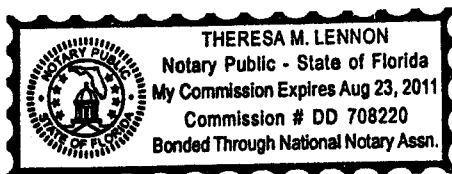
Melissa M Peters  
Print Name

[Signature]  
Signature

Dameon L Church  
Print Name

State of Florida  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 3rd day of August, 2009, by Charles Parker Wallace Vaill, who is personally known to me or has produced Fla 04 V400-155-60-3400 as identification.



[Signature]  
Notary Public

WITNESSES:

Elizabeth M. Klink  
Signature

Elizabeth M. Klink  
Print Name

Susan DeAngelis  
Signature

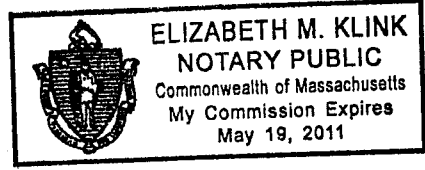
Susan DeAngelis  
Print Name

State of Massachusetts  
County of Plymouth

David A. Conway  
David A. Conway

Susan G. Conway  
Susan G. Conway

The foregoing instrument was acknowledged before me this 10 day of August, 2009, by David A. Conway and Susan G. Conway, who is personally known to me or has produced David A. Conway as identification.



Elizabeth M. Klink  
Notary Public

Exhibit "A" to Easement

A PARCEL OF LAND SITUATED IN THE F. FALANY GRANT, SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; SAID PARCEL BEING PART OF MOULTRIE FORESIDE ACCORDING TO MAP THEREOF RECORDED IN MAP BOOK 3, PAGE 17, OF THE PUBLIC RECORDS OF SAID COUNTY SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHERLY CORNER OF LOT 4, VAILL POINT TERRACE UNIT NO. 1 ACCORDING TO MAP BOOK 10, PAGE 80, OF SAID PUBLIC RECORDS; THENCE NORTH 27 DEGREES 04 MINUTES 00 SECONDS WEST 60.11 FEET; THENCE NORTH 59 DEGREES 19 MINUTES 00 SECONDS EAST 60.11 FEET TO THE NORTHEASTERLY LINE OF VAILL POINT ROAD; THENCE ON LAST SAID LINE SOUTH 27 DEGREES 04 MINUTES 00 SECONDS EAST 770.96 FEET TO THE POINT OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHEASTERLY ALONG AND AROUND SAID CURVE AN ARC DISTANCE OF 46.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 71 DEGREES 27 MINUTES 28 SECONDS EAST 41.97 FEET; THENCE NORTH 64 DEGREES 09 MINUTES 01 SECOND EAST 463.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 64 DEGREES 09 MINUTES 01 SECOND EAST 573.54 FEET; THENCE NORTH 25 DEGREES 19 MINUTES 37 SECONDS EAST 62.21 FEET; THENCE SOUTHEASTERLY ALONG AND AROUND A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 394.87 FEET, AN ARC DISTANCE OF 59.98 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 52 DEGREES 04 MINUTES 43 SECONDS EAST 59.92 FEET; THENCE CONTINUE SOUTHEASTERLY ALONG AND AROUND A CURVE TO THE RIGHT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 443.70 FEET, AN ARC DISTANCE OF 214.90 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 42 DEGREES 33 MINUTES 14 SECONDS EAST 212.81 FEET; THENCE SOUTH 61 DEGREES 19 MINUTES 18 SECONDS WEST 60.00 FEET, THENCE NORTHWESTERLY ALONG AND AROUND A CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 383.70 FEET, AN ARC DISTANCE OF 168.95 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 41 DEGREES 17 MINUTES 32 SECONDS WEST 167.58 FEET; THENCE SOUTH 64 DEGREES 09 MINUTES 03 SECONDS WEST 584.97 FEET; THENCE NORTHWESTERLY ALONG AND AROUND A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 230.00 FEET, AN ARC DISTANCE OF 63.49 FEET TO THE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44 DEGREES 24 MINUTES 17 SECONDS WEST 63.29 FEET.

*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: Vaill Easement  
DATE: August 13, 2009

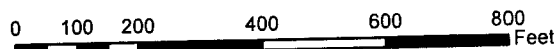
Please present the easement to the Board of County Commissioners (BCC) for final approval and acceptance of the Vaill easement.

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.



## Moultrie Foreside Residences



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
August 14, 2009  
(904) 209-0788

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