

RESOLUTION NO. 2009- 266

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN AMENDED DRAINAGE EASEMENT AND RELEASE OF EASEMENT AND AUTHORIZING THE CHAIR OF THE BOARD TO JOIN IN THE EXECUTION OF THE AMENDED DRAINAGE EASEMENT AND RELEASE OF EASEMENT ON BEHALF OF THE COUNTY.**

**RECITALS**

**WHEREAS**, St. Johns County (hereinafter “County”) was granted a Drainage Easement in instrument dated July 21, 1977, filed July 29, 1977, and recorded in Official Records Book 343, page 472, (hereinafter “Original Easement”) for maintenance of an open drainage ditch ; and

**WHEREAS**, a portion of the drainage ditch runs along the north and west boundary of property owned by FL Property Holdings LLC f/k/a Diamond Senior Living III, LLC, (hereinafter “FL Property Holdings”); and

**WHEREAS**, a recent survey showed that a portion of the property described in the Original Easement runs through the building located on FL Property Holdings’ property instead of along the north and west boundary of their property; and

**WHEREAS**, it is the County’s and FL Property Holdings’ desire to release the portion of the Original Easement that runs through the building and amend the Original Easement to describe and follow the actual location of the drainage ditch; and

**WHEREAS**, the Amended Drainage Easement and Release of Easement (hereinafter “Amended Easement”) attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, has been executed by FL Property Holdings granting to the County a drainage easement over the correct location of the ditch; and

**WHEREAS**, upon the execution of the Amended Easement by the County, the property that runs through FL Property Holdings’ building will be released from the Original Easement; and

**WHEREAS**, it is in the best interest of the County to join in the execution of the Amended Easement for the health, safety, and welfare of the citizens of St. Johns County; and

**WHEREAS**, to the extent that there are typographical 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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby accepts the Amended Drainage Easement and Release of Easement and authorizes the Chair join in the execution of the amended easement on behalf of the County.

Section 3. The Clerk is instructed to record the original Amended Drainage Easement and Release of Easement in the Public Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 6<sup>th</sup> day of October, 2009.



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

By: Cyndi Stevenson  
Cyndi Stevenson, Chair

**ATTEST:** Cheryl Strickland, Clerk

By: Pam Hatterman  
Deputy Clerk

**RENDITION DATE** 10/8/09

Prepared by:  
Laurie Ford  
St. Johns County  
500 San Sebastian View  
St. Augustine, Florida 32084

**AMENDED DRAINAGE EASEMENT  
AND RELEASE OF EASEMENT**

**THIS EASEMENT** dated this 2 day of September, 2009, by and between **FL PROPERTY HOLDINGS LLC**, f/k/a **DIAMOND SENIOR LIVING III, LLC**, a Delaware limited liability company, having an office c/o Millennium Management, L.L.C., 10800 Biscayne Boulevard, Suite 600, Miami, Florida 33161, "Grantor" and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, "Grantee".

**WITNESSETH**

WHEREAS, Grantee was granted a Drainage Easement in instrument dated July 21, 1977, filed July 29, 1977, and recorded in Official Records Book 343, page 472, of the public records of St. Johns County, Florida, for maintenance of an open drainage ditch (hereinafter "Original Easement"); and

WHEREAS, a portion of the drainage ditch runs along the north and west boundary of Grantor's property and a recent survey showed that a portion of the property described in the Original Easement runs through the building located on Grantor's property instead of following the actual drainage ditch; and

WHEREAS, it is the Grantor's and Grantee's desire to release the portion of the easement that runs through the Grantor's building and amend the Original Easement to describe and follow the drainage ditch.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor and Grantee agree as follows:

1. Grantee does hereby remise, release, and forever terminate all easement rights granted over and across the portion of the land in the Original Easement described on Exhibit "A", attached hereto and by reference made a part hereof.
2. Grantor does hereby grant and convey unto the Grantee a drainage easement upon, over, and across that certain land described in Exhibit "B", attached hereto and by reference made a part hereof, to amend the description in the Original Easement and for the same purposes mentioned in the Original Easement.

3. All other terms and conditions of the Original Easement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the Grantor and Grantee have caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered in  
Our presence as Witnesses:

GRANTOR:  
FL PROPERTY HOLDINGS  
LLC, a Delaware limited liability  
company

(sign) *Delena Gutierrez*  
(print) Delena Gutierrez

By: *[Signature]*

(sign) *Jack Heiney*  
(print) Jack Heiney

Its: Manager

STATE OF Florida  
COUNTY OF Dade



**JACK HEINEY**  
MY COMMISSION # DD 835269  
EXPIRES: November 28, 2012  
Bonded Thru Budget Notary Services

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of Sept., 2009, by \_\_\_\_\_ as \_\_\_\_\_ of FL Property Holdings LLC, a Delaware limited liability company, on behalf of the company. Who is personally known to me or has produced \_\_\_\_\_ as identification.

*Jack Heiney*  
Notary Public  
My commission expires: \_\_\_\_\_

GRANTEE:  
ST. JOHNS COUNTY, FLORIDA

(sign) \_\_\_\_\_  
(print) \_\_\_\_\_

By: \_\_\_\_\_  
Cyndi Stevenson, Chair

(sign) \_\_\_\_\_  
(print) \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by Cyndi Stevenson as Chair of the Board of County Commissioners 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  
My commission expires: \_\_\_\_\_

EXHIBIT "A"

PORTION OF 30 FOOT DRAINAGE EASEMENT RECORDED IN O.R. 343 PAGE 472 TO BE RELEASED.

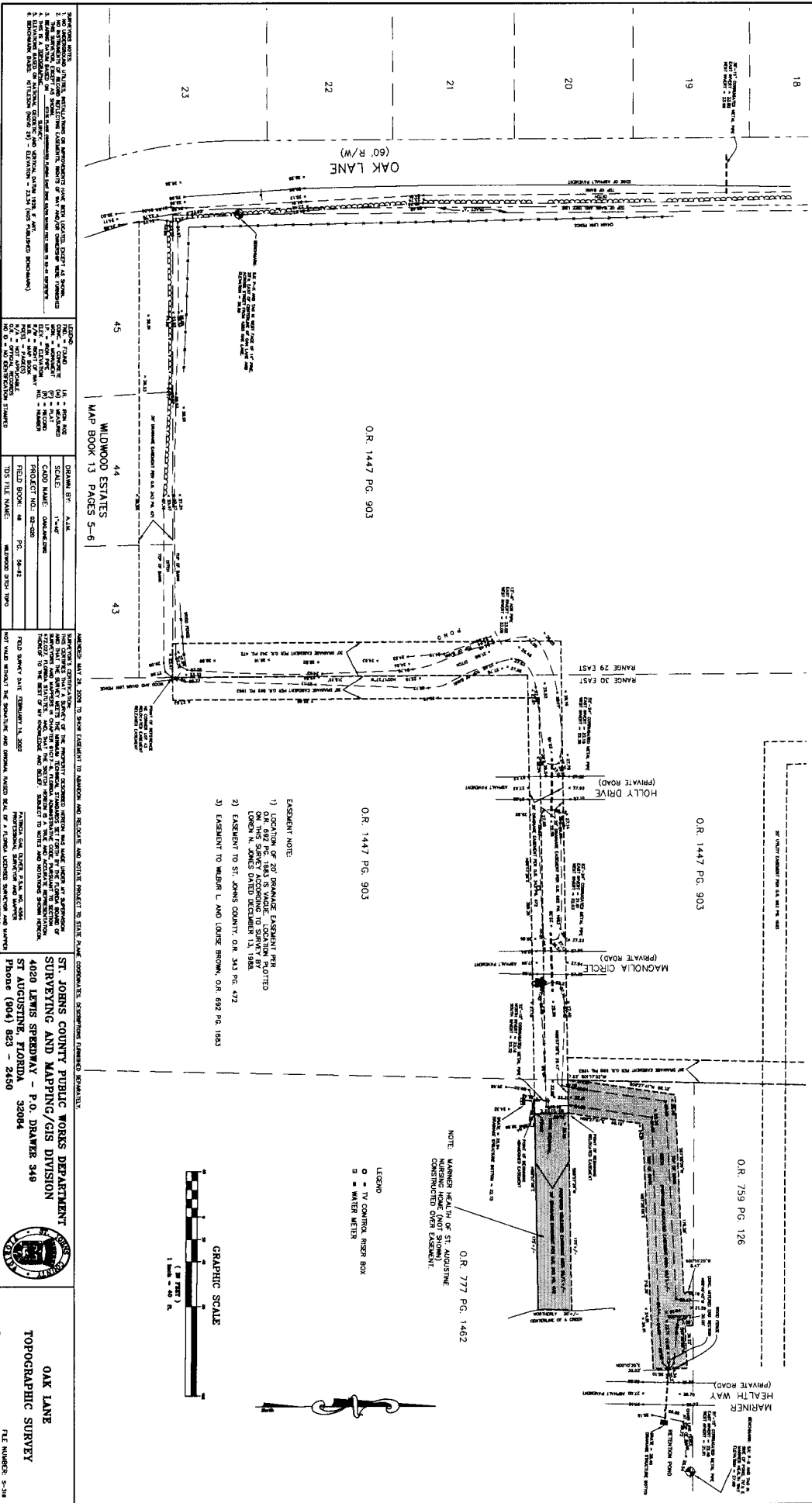
A STRIP OF LAND 30 FEET IN WIDTH IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEASTERLY CORNER OF LOT 43, WILDWOOD ESTATES AS RECORDED IN MAP BOOK 13 PAGES 5 AND 6 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH  $00^{\circ}17'27''$  WEST, ALONG THE LINE BETWEEN RANGES 30 EAST AND 29 EAST, A DISTANCE OF 315.25 FEET; THENCE NORTH  $88^{\circ}57'28''$  EAST, ALONG THE SOUTHERLY LINE OF THAT DRAINAGE EASEMENT RECORDED IN O.R. 343, PAGE 472 OF SAID PUBLIC RECORDS, A DISTANCE OF 388.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH  $88^{\circ}57'28''$  EAST, ALONG LAST SAID LINE, A DISTANCE OF 175 FEET MORE OR LESS TO A FORMER CENTERLINE OF A CREEK; THENCE NORTHERLY, ALONG SAID FORMER CENTERLINE, A DISTANCE OF 30 FEET; THENCE SOUTH  $88^{\circ}57'28''$  WEST, ALONG THE NORTHERLY LINE OF SAID DRAINAGE EASEMENT RECORDED IN O.R. 343 PAGE 472, A DISTANCE OF 175 FEET, MORE OR LESS; THENCE SOUTH  $01^{\circ}02'32''$  EAST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 5251 SQUARE FEET, MORE OR LESS.

EXHIBIT "B"

PORTION OF DRAINAGE EASEMENT TO BE RELOCATED

A STRIP OF LAND 30 FEET IN WIDTH IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEASTERLY CORNER OF LOT 43, WILDWOOD ESTATES AS RECORDED IN MAP BOOK 13 PAGES 5 AND 6 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 00°17'27" WEST, ALONG THE LINE BETWEEN RANGES 30 EAST AND 29 EAST, A DISTANCE OF 315.25 FEET; THENCE NORTH 88°57'28" EAST, ALONG THE SOUTHERLY LINE OF THAT DRAINAGE EASEMENT RECORDED IN O.R. 343, PAGE 472 OF SAID PUBLIC RECORDS, A DISTANCE OF 388.26 FEET; THENCE NORTH 01°02'32" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 08°27'41" EAST A DISTANCE OF 66.18 FEET; THENCE NORTH 87°28'06" EAST A DISTANCE OF 218.36 FEET; THENCE NORTH 00°10'20" EAST A DISTANCE OF 30.03 FEET; THENCE SOUTH 87°28'06" WEST A DISTANCE OF 38.22 FEET; THENCE NORTH 00°10'20" EAST A DISTANCE OF 7.05 FEET; THENCE NORTH 89°49'40" WEST, ALONG THE NORTHELY LINE OF THOSE LANDS AS DESCRIBED IN O.R. 777, PAGE 1462 OF SAID PUBLIC RECORDS, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°10'20" WEST A DISTANCE OF 8.47 FEET; THENCE SOUTH 87°28'06" WEST A DISTANCE OF 176.26 FEET; THENCE SOUTH 08°27'41" WEST A DISTANCE OF 88.32 FEET; THENCE SOUTH 01°17'52" WEST, ALONG THE WESTERLY LINE OF AFOREMENTIONED LANDS DESCRIBED IN O.R. 777, PAGE 1462, A DISTANCE OF 7.52 FEET; THENCE NORTH 88°57'28" EAST A DISTANCE OF 29.47 FEET TO THE POINT OF BEGINNING. CONTAINING 9604 SQUARE FEET, MORE OR LESS.

MAP SHOWING A TOPOGRAPHIC SURVEY OF  
 A DITCH LYING IN SECTION 38, TOWNSHIP 8 SOUTH,  
 RANGE 29 EAST AND SECTION 48, TOWNSHIP 8 SOUTH,  
 RANGE 30 EAST AND ON A PART OF OAK LANE AS  
 RECORDED IN MAP BOOK 13, PAGES 5 AND 6 OF THE  
 PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.  
 FOR: THE ST. JOHNS COUNTY ROAD AND BRIDGE DIVISION



**STANDARD NOTES:**  
 1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD'S PRACTICES AND STANDARDS.  
 2. THE BOUNDARIES SHOWN ON THIS MAP ARE BASED ON THE RECORDS OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.  
 3. THE DITCH SHOWN ON THIS MAP IS A DRAINAGE DITCH.  
 4. THE DITCH IS LOCATED IN SECTION 38, TOWNSHIP 8 SOUTH, RANGE 29 EAST AND SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST AND ON A PART OF OAK LANE AS RECORDED IN MAP BOOK 13, PAGES 5 AND 6 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.  
 5. THE DITCH IS LOCATED IN SECTION 38, TOWNSHIP 8 SOUTH, RANGE 29 EAST AND SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST AND ON A PART OF OAK LANE AS RECORDED IN MAP BOOK 13, PAGES 5 AND 6 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

|              |            |
|--------------|------------|
| DATE:        | 11/11/2009 |
| PROJECT NO.: | 09-001     |
| FIELD BOOK:  | 44         |
| DATE:        | 11/11/2009 |
| PROJECT NO.: | 09-001     |
| FIELD BOOK:  | 44         |
| DATE:        | 11/11/2009 |

**ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT**  
 SURVEYING AND MAPPING/GIS DIVISION  
 4020 LEWIS SPEDWAY - P.O. DRAWER 349  
 ST AUGUSTINE, FLORIDA 32094  
 Phone (904) 823 - 2450

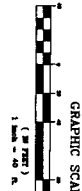
**ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT**  
 SURVEYING AND MAPPING/GIS DIVISION  
 4020 LEWIS SPEDWAY - P.O. DRAWER 349  
 ST AUGUSTINE, FLORIDA 32094  
 Phone (904) 823 - 2450

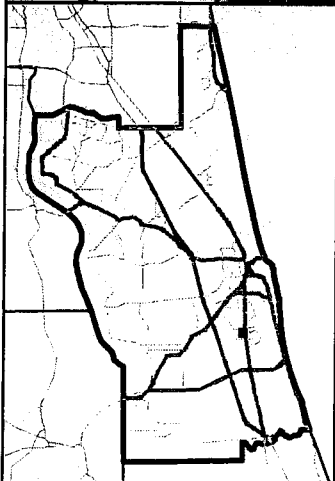
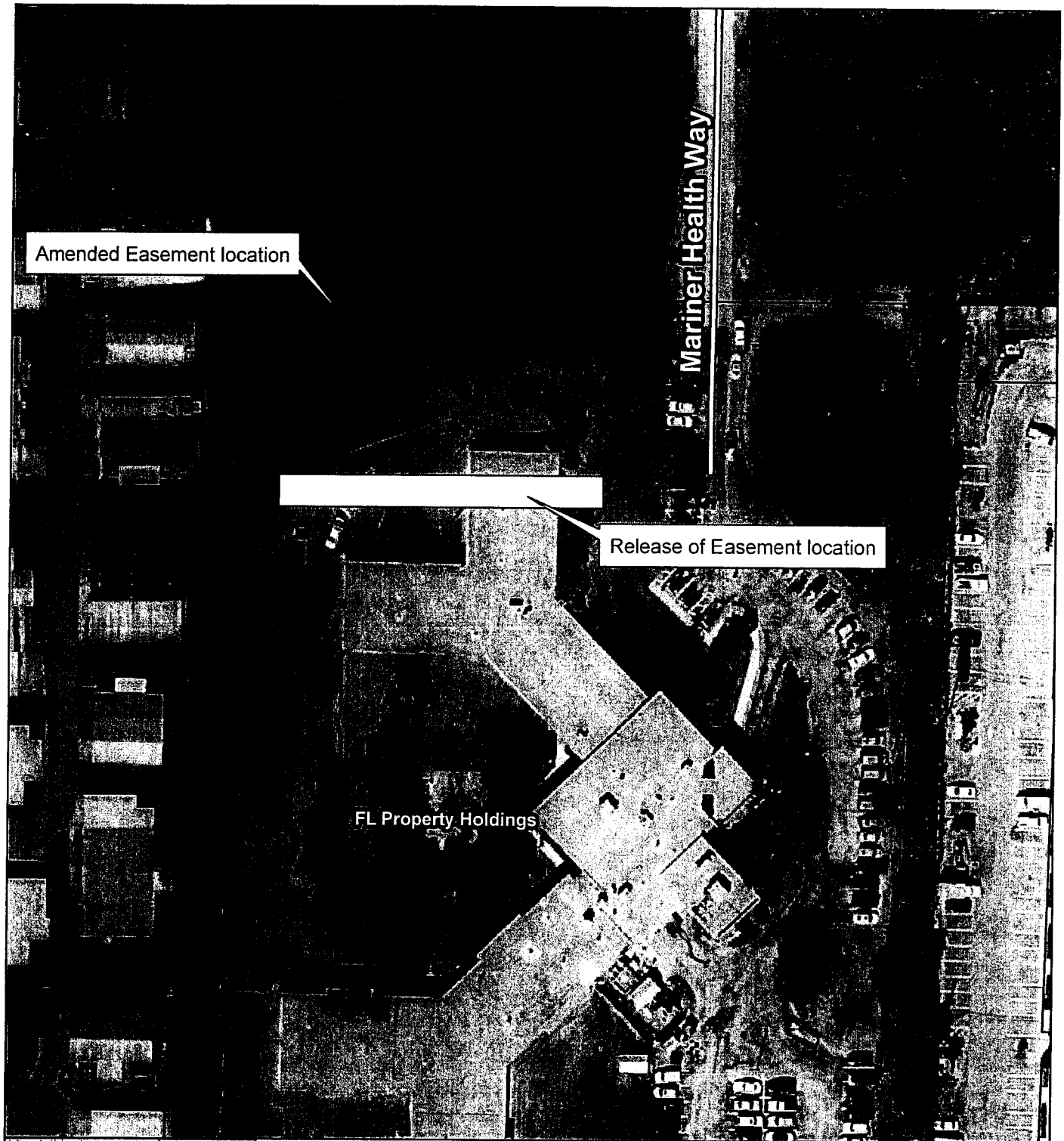
**OAK LANE**  
 TOPOGRAPHIC SURVEY  
 FILE NUMBER: 5-34

- EASEMENT NOTE:**
- 1) LOCATION OF 20' DRAINAGE EASEMENT PERMITTED ON THIS PROPERTY ACCORDING TO SURVEY BY LORNA N. JONES DATED DECEMBER 11, 1984.
  - 2) EASEMENT TO ST. JOHNS COUNTY, O.R. 343 PG. 472
  - 3) EASEMENT TO MERRILL L. AND LOUISE BROWN, O.R. 692 PG. 1053

**NOTE:** MARINER HEALTH OF ST. AUGUSTINE, FLORIDA HAS A DRAINAGE EASEMENT ON THIS PROPERTY.  
 MARINER HEALTH OF ST. AUGUSTINE, FLORIDA HAS A DRAINAGE EASEMENT ON THIS PROPERTY.  
 MARINER HEALTH OF ST. AUGUSTINE, FLORIDA HAS A DRAINAGE EASEMENT ON THIS PROPERTY.

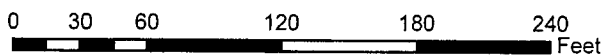
**LEGEND**  
 □ = TV CONTROL POINT BOX  
 ○ = WATER WHEEL





### Drainage Ditch Senior Living Facility

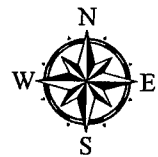
Amended Drainage Easement and  
Release of Easement



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
September 4, 2009  
(904) 209-0790



**2008 Color Aerial  
Imagery Map**

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