

RESOLUTION NO. 2009- 332

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN EASEMENT AGREEMENT THAT WILL ALLOW TOWERCOM JOINT USE OF A COUNTY RETENTION POND FOR IRRIGATION PURPOSES AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY.**

**WHEREAS**, TowerCom III, LLC, a Florida limited liability company, has executed and presented to the County an Easement Agreement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, that will allow joint use of a retention pond for irrigation purposes; and

**WHEREAS**, TowerCom has paid \$22,699 to Florida Power & Light for installation of the electrical service to their site, and the County parcel known as the Nocatee Preserve Access Parcel, which is contiguous to the TowerCom parcel. In exchange, the County will allow TowerCom use of the County retention pond for irrigation purposes. The County will not be responsible for the water level of the pond at any time; and

**WHEREAS**, it is in the best interest of the County to approve the Easement Agreement, in order to save the funds that would have been needed for installation of electrical service to the County site; and

**WHEREAS**, to the extent that there are typographical, scrivener's 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 Agreement attached and incorporated hereto, is hereby accepted by the Board of County Commissioners and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County.

Section 3. The Clerk of the Circuit Court is instructed to record the original Easement Agreement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 17<sup>th</sup> day of November, 2009.

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

By: *Ron Sanchez*  
Ron Sanchez, Chair

**ATTEST: Cheryl Strickland, Clerk**

By: *Pam Halterman*  
Deputy Clerk

**RENDITION DATE** 11/19/09



Exhibit "A" to Resolution

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

**EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 2009, between **ST. JOHNS COUNTY, FLORIDA**, political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called the Grantor, and **TOWERCOM III, LLC**, a Florida limited liability company ("TowerCom"), whose address is 1 Independent Drive, Suite 1600, Jacksonville, Florida 32202, hereinafter called Grantee.

**WITNESSETH:**

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantor, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, a perpetual and unobstructed right of way and perpetual easement for irrigation purposes over, across, under and through that certain parcel of land located in St. Johns County, Florida, more particularly described on Exhibit "A" attached hereto ("Easement Land") for the purpose of providing irrigation benefiting and serving the property described in Exhibit "B" (the "Benefitted Land"). Together with the right of Grantee, its successors and assigns, to ingress and egress to, over and across the Easement Land and to do anything necessary or useful or convenient for the enjoyment of the easement herein granted. This easement shall run with title to the Easement Land and is assignable by Grantee.

The Grantor shall accept no liability for the water level of the pond described in Exhibit "A" attached hereto.

After any installation, construction, repair, replacement or removal of any irrigation 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 by Grantee. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

The easement granted herein shall not be exclusive of use by Grantor, or its successors and assigns, so long as such use does not interfere with the rights granted herein.

**IN WITNESS WHEREOF**, Grantor has hereunto set hand and seal the day and year first above written.

**Signed and Sealed in Our  
Presence as Witnesses:**

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

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
David H. Boeff

\_\_\_\_\_  
Witness

Its :Chief Executive Officer

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by David H. Boeff, as CEO of TowerCom III, LLC, Who is personally known to me or has produced \_\_\_\_\_ as identification.

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

**Signed and Sealed in Our  
Presence as Witnesses:**

**St. Johns County, Florida,**  
a political subdivision of the  
State of Florida

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Michael D. Wanchick  
County Administrator

\_\_\_\_\_  
Witness

**STATE OF FLORIDA  
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by Michael D. Wanchick, County Administrator. Who is personally known to me.

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

### Exhibit "A" to Easement

A PART OF SECTION 57 OF THE WILLIAM TRAVERS AND A PART OF SECTION 59 OF THE TRAVERS OR PALMES GRANT, 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 MOST NORTHERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3228, PAGE 1685 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH  $64^{\circ}13'54''$  WEST, ALONG THE NORTHERLY LINE OF SAID LANDS, A DISTANCE OF 85.54 FEET; THENCE SOUTH  $09^{\circ}34'32''$  EAST, ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 49.05 FEET; THENCE SOUTH  $64^{\circ}13'57''$  WEST, CONTINUING ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 71.65 FEET TO A POINT OF CURVE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 150.00 FEET; THENCE SOUTHWESTLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID BOUNDARY, A CHORD BEARING OF SOUTH  $34^{\circ}13'57''$  WEST AND A CHORD DISTANCE OF 150.00 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING; THENCE SOUTH  $05^{\circ}05'00''$  WEST A DISTANCE OF 30.79 FEET; THENCE SOUTH  $86^{\circ}53'34''$  EAST A DISTANCE OF 21.70 FEET; THENCE SOUTH  $03^{\circ}06'46''$  WEST A DISTANCE OF 132.48 FEET; THENCE SOUTH  $09^{\circ}44'01''$  EAST A DISTANCE OF 34.04 FEET; THENCE SOUTH  $25^{\circ}18'55''$  EAST A DISTANCE OF 29.16 FEET; THENCE SOUTH  $40^{\circ}08'06''$  EAST A DISTANCE OF 67.71 FEET; THENCE SOUTH  $63^{\circ}26'58''$  WEST A DISTANCE OF 41.82 FEET; THENCE NORTH  $34^{\circ}31'58''$  WEST A DISTANCE OF 193.74 FEET; THENCE NORTH  $16^{\circ}35'27''$  EAST A DISTANCE OF 89.02 FEET; THENCE NORTH  $66^{\circ}56'35''$  EAST A DISTANCE OF 38.13 FEET; THENCE NORTH  $05^{\circ}05'00''$  EAST A DISTANCE OF 29.70 FEET; THENCE NORTH  $64^{\circ}13'57''$  EAST, ALONG THE BOUNDARY OF THE AFOREMENTIONED LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3228, PAGE 1685, A DISTANCE OF 11.65 FEET TO THE POINT OF BEGINNING. CONTAINING 0.36 ACRES, MORE OR LESS.



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:

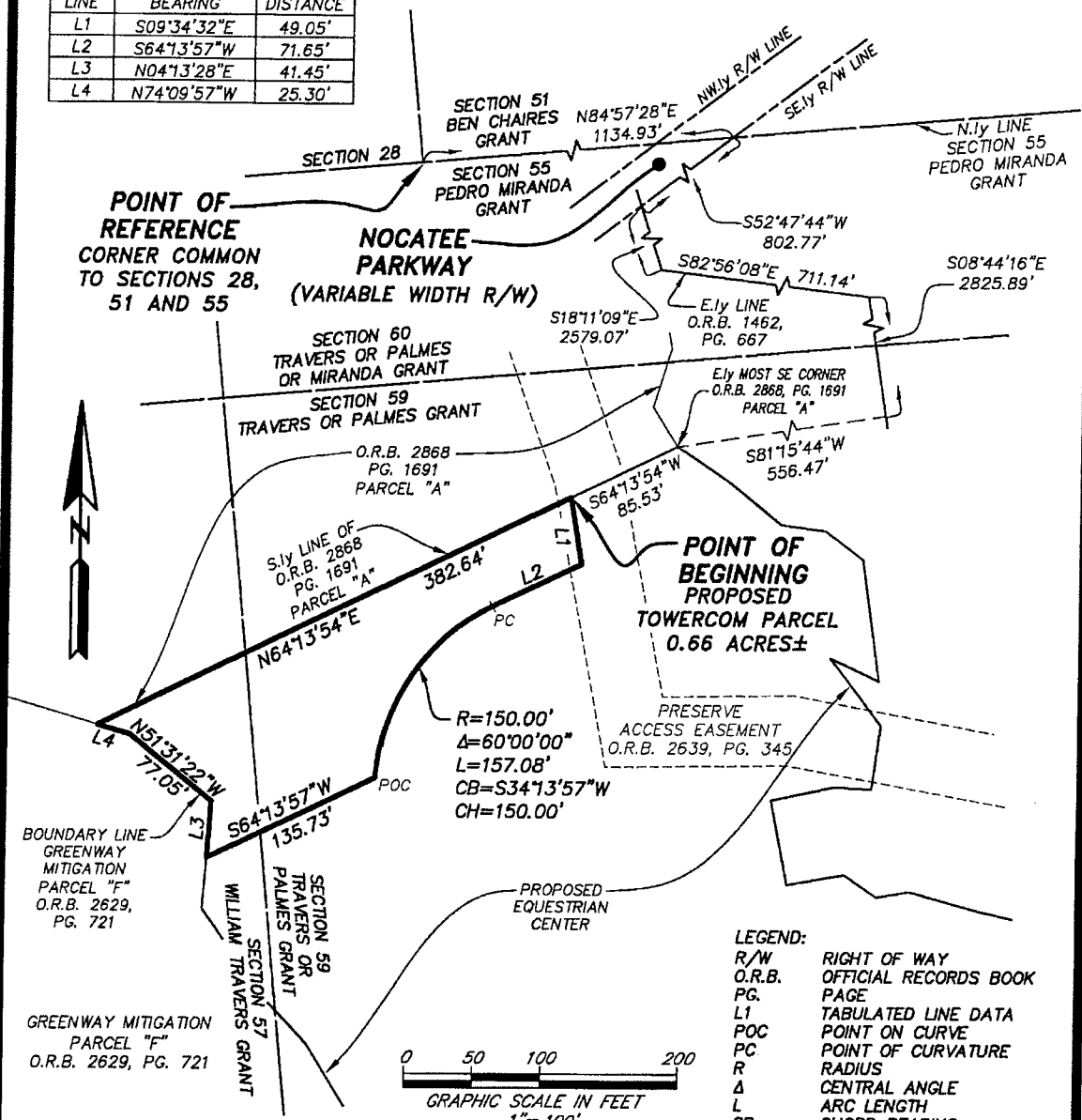
For a Point of Reference, commence at the corner common to Section 28, Section 51 of the Ben Chaires Grant, and Section 55 of the Pedro Miranda Grant, all lying in said Township 4 South, Range 29 East, thence North  $84^{\circ}57'28''$  East, along the Northerly line of said Section 55, a distance of 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	S09°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 N.I.Y LINE OF SECTION 55 AS BEING NORTH 84°57'28" EAST.



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

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

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

**DAMON J. KELLY**  
 PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA LS No. 6284

SCALE: 1" = 100'

DATE: DECEMBER 17, 2008