

RESOLUTION NO. 2010- 153

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER SERVICE TO PACETTI ROAD PET SPA LOCATED ON PACETTI ROAD AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM.**

**RECITALS**

**WHEREAS**, Pacetti Road Investors, LLC, a Florida limited liability company has executed and presented to the County a Corrective Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water service to Pacetti Road Pet Spa located on Pacetti Road. The original easement was executed by an individual that is not an officer of the company; and

**WHEREAS**, Pacetti Road Investors has also executed a Bill of Sale and schedule of values conveying all personal property associated with the water 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 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:

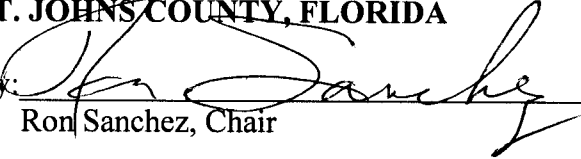
Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The above described Corrective Easement for Utilities and Bill of Sale attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

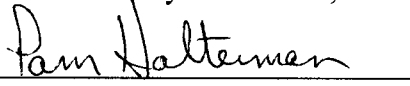
Section 3. The Clerk of the Circuit Court is instructed to record the original Corrective Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 3rd day of August, 2010.

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

By:   
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 8/5/10



Prepared by:  
St. Johns County Land Management Systems  
500 San Sebastian View  
St. Augustine, FL 32084

**CORRECTIVE EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this <sup>RD</sup> 23 day of June, 2010, by **PACETTI ROAD INVESTORS, LLC**, a Florida limited liability company, with an address of, 10175 Fortune Parkway, Suite 601, Jacksonville, Florida 32256, hereinafter called "Grantor" 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 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". This easement is for water utility services only and does not convey any right to install other utilities such as cable television service lines.

**THIS DOCUMENT IS TO CORRECT AND REPLACE THE EASEMENT FOR UTILITIES RECORDED IN OFFICIAL RECORDS BOOK 3250 PAGE 1933-39 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY WHICH WAS EXECUTED BY THE WRONG REPRESENTATIVE OF THE COMPANY AND INCLUDED SEWER SERVICE. THIS EASEMENT IS FOR WATER SERVICES ONLY.**

**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 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. **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, 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:

[Signature]  
Witness

AARON GACCY  
Print Name

[Signature]  
Witness

Sheri Szachacz  
Print Name

**PACETTI ROAD INVESTORS, LLC**  
a Florida Limited Liability Company

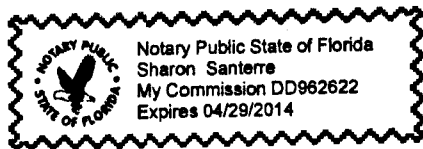
By: [Signature]

Its: V. president

State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2010, by Allen Suggs, of Pacetti Road Investors, LLC, who is personally known to me or has produced \_\_\_\_\_ as identification.

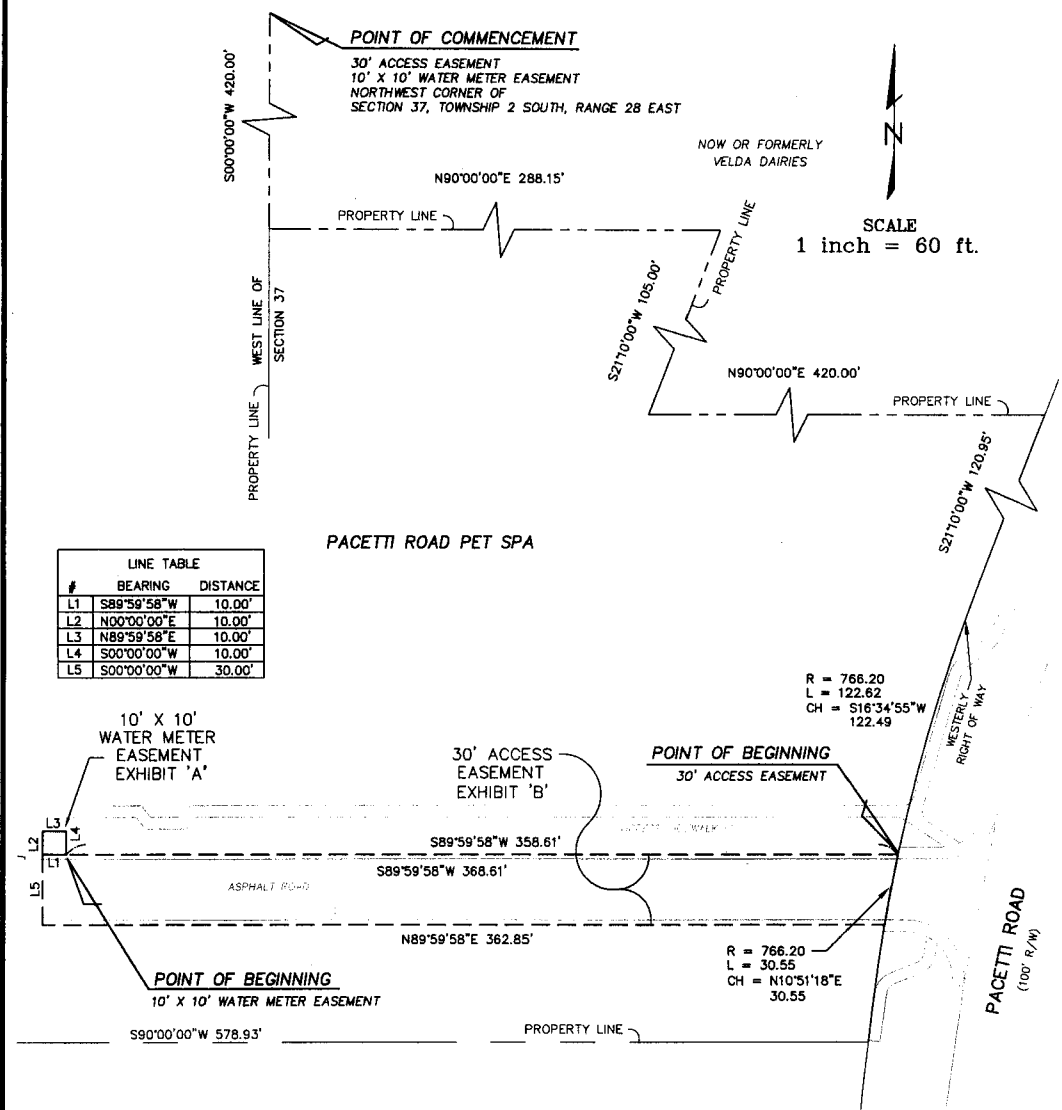
[Signature]  
Notary Public





**MAP SHOWING A SKETCH OF:**  
 A 10' X 10' WATER METER EASEMENT (EXHIBIT 'A') AND  
 A 30' ACCESS EASEMENT (EXHIBIT 'B') FOR  
 THE PACETTI ROAD PET SPA  
 SECTION 37, TOWNSHIP 2 SOUTH, RANGE 28 EAST,  
 ST JOHNS COUNTY, FLORIDA.

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTIONS



SHEET 2 OF 2

**ATLANTIC ~ GULF SURVEYING CO.**  
**LAND & ENGINEERING SURVEYS**  
 LICENSED BUSINESS NUMBER (L.B.) 8226  
 5736 TIMUQUANA ROAD  
 JACKSONVILLE, FLORIDA 32210  
 904-771-6412

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Charles P. Delcambre* 10-19-09  
 CHARLES P. DELCAMBRE, P.S.M., FL. REG. # 5100

**LEGEND**

- ⊙ ..... SET IRON PIN OR PIPE
- ..... FOUND IRON PIN OR PIPE
- ..... SET CONCRETE MONUMENT
- ◻ ..... FOUND CONCRETE MONUMENT
- △ ..... TRAVERSE OR CONTROL POINT
- ..... FENCE AS NOTED

**ABBREVIATIONS:**

- N ..... NORTH
- S ..... SOUTH
- E ..... EAST
- W ..... WEST
- (P) ..... PLAT
- (C) ..... FOUND
- (CAL) ..... CALCULATED
- I.P. .... IRON PIPE
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- R ..... RADIUS
- CH ..... CHORD
- BRG ..... BEARING
- DIST. .... DISTANCE
- P.T. .... POINT OF TANGENCY
- P.C. .... POINT OF CURVATURE
- P.R.C. .... POINT OF REVERSE CURVATURE
- C.M. .... CONCRETE MONUMENT
- I.R. .... IRON ROD
- CONC. .... CONCRETE

JOB NO. S 2064 A DATE 10-16-09  
 DATE OF SURVEY N/A DRAFTER CDJ  
 FIELD BOOK N/A SCALE 1" = 60'



**MAP SHOWING A SKETCH OF:**  
 A 10' X 10' WATER METER EASEMENT (EXHIBIT 'A') AND  
 A 30' ACCESS EASEMENT (EXHIBIT 'B') FOR  
 THE PACETTI ROAD PET SPA  
 SECTION 37, TOWNSHIP 2 SOUTH, RANGE 28 EAST,  
 ST JOHNS COUNTY, FLORIDA.

CERTIFIED AS BEING CORRECT TO:  
 PACETTI ROAD INVESTORS

SEE SHEET 2 OF 2 FOR SKETCH

**EXHIBIT A**

A 10' X 10' WATER METER EASEMENT OVER A PARCEL OF LAND IN SECTION 37, TOWNSHIP 2 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 37; THENCE SOUTH 00°00'00" WEST, ON THE WEST LINE OF SAID SECTION 37, A DISTANCE OF 420.00 FEET; THENCE NORTH 90°00'00" EAST, ON THE SOUTH LINE OF LAND NOW OR FORMERLY OF VELDA DAIRIES, A DISTANCE OF 288.15 FEET; THENCE SOUTH 21°10'00" WEST, A DISTANCE OF 105.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 420.00 FEET TO THE WESTERLY RIGHT OF WAY OF STATE ROAD NO. S-13-A (PACETTI ROAD), A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE, ALONG SAID WESTERLY RIGHT OF WAY, SOUTH 21°10'00" WEST, A DISTANCE OF 120.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 766.20 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 16°34'55" WEST, 122.49 FEET; THENCE, AROUND AND ALONG SAID CURVE, AN ARC LENGTH OF 122.62 FEET; THENCE, DEPARTING SAID WESTERLY RIGHT OF WAY, SOUTH 89°59'58" WEST, A DISTANCE OF 358.61 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°59'58" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°59'58" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT B**

A 30 FOOT ACCESS EASEMENT OVER A PARCEL OF LAND IN SECTION 37, TOWNSHIP 2 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 37; THENCE SOUTH 00°00'00" WEST, ON THE WEST LINE OF SAID SECTION 37, A DISTANCE OF 420.00 FEET; THENCE NORTH 90°00'00" EAST, ON THE SOUTH LINE OF LAND NOW OR FORMERLY OF VELDA DAIRIES, A DISTANCE OF 288.15 FEET; THENCE SOUTH 21°10'00" WEST, A DISTANCE OF 105.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 420.00 FEET TO THE WEST LINE OF STATE ROAD NO. S-13-A (PACETTI ROAD), A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTH 21°10'00" WEST, ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 120.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 766.20 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 16°34'55" WEST, 122.49 FEET; THENCE, AROUND AND ALONG SAID CURVE, AN ARC LENGTH OF 122.62 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SAID WESTERLY RIGHT OF WAY, SOUTH 89°59'58" WEST, A DISTANCE OF 368.61 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°59'58" EAST, A DISTANCE OF 362.85 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY OF STATE ROAD NO. S-13-A AND TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 766.20 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 10°51'18" EAST, 30.55 FEET; THENCE, AROUND AND ALONG SAID CURVE, AN ARC LENGTH OF 30.55 FEET TO THE POINT OF BEGINNING.

**SURVEYOR'S REPORT & NOTES:**

1. THIS IS A SKETCH AND LEGAL DESCRIPTION FOR A 10' X 10' WATER METER EASEMENT AND A 30' ACCESS EASEMENT. IT IS NOT A BOUNDARY SURVEY.
2. ALL BOUNDARY INFORMATION IS THE SAME AS IT APPEARS ON THE BOUNDARY AND TOPOGRAPHIC SURVEY ON SHEET 4 OF THE CONSTRUCTION PLANS FOR THE PACETTI ROAD PET SPA PRODUCED BY MATTHEWS DESIGN GROUP AND PROVIDED BY THE CONTRACTOR.
3. SUBJECT SURVEY WAS DONE WITHOUT BENEFIT OF TITLE ABSTRACT; THEREFORE, THERE MAY BE EASEMENTS AFFECTING THE PROPERTY THAT ARE NOT SHOWN HEREON.

SHEET 1 OF 2

**ATLANTIC ~ GULF SURVEYING CO.**

**LAND & ENGINEERING SURVEYS**

LICENSED BUSINESS NUMBER (L.B.) 6228  
 5736 TIMUQUANA ROAD  
 JACKSONVILLE, FLORIDA 32210  
 904-771-6412

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Charles P. Delcambre* 10-19-'09  
 CHARLES P. DELCAMBRE, P.S.M., FL. REG. # 5100

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- R ..... RADIUS
- CH ..... CHORD
- Brg. .... BEARING
- Dist. .... DISTANCE
- P.I. .... POINT OF INTERSECTION
- P.C. .... POINT OF CURVATURE
- P.V.C. .... POINT OF VERTICAL CURVATURE
- C.M. .... CONCRETE MONUMENT
- I.R. .... IRON ROD
- CONC. .... CONCRETE

JOB NO. S 2064 A      DATE 10-16-09  
 DATE OF SURVEY N/A      DRAFTER CDJ  
 FIELD BOOK N/A      SCALE 1" = 60'



**BILL OF SALE**  
**UTILITY IMPROVEMENTS**  
for

**Pacetti Road Pet Spa**

Pacetti Road Investors, LLC, 10175 Fortune Parkway, Suite 601, Jacksonville, FL 32256, (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:

WATER MAIN  
20' of DR18 PVC 100' of SDR11 HDPE  
ONE 8" MJ Gate Valve  
ONE 10"x8" Tapping Sleeve with Valve  
further described on Exhibit "A"

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 10<sup>th</sup> of Sept, 2009.

WITNESS:  
Don Knight  
\_\_\_\_\_  
Witness Signature  
DON KNIGHT  
\_\_\_\_\_  
Print Witness Name

OWNER:  
Frank Malle  
\_\_\_\_\_  
Owner's Signature  
FRANK MALLE  
\_\_\_\_\_  
Print Owner's Name

State of Florida  
County of Duval

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of September, 2009, by Frank Malle who is personally known to me or has produced \_\_\_\_\_ as identification.

Shirley Taylor  
Notary Public





Exhibit "A" to Bill of Sale  
**St. Johns County Utility Department**  
 Asset Management  
 Schedule of Values

Project Name:

Pacatti Rd Pot Spa

Contractor:

ALL Florida SITE & UTIL.

Developer:

	UNIT	QUANTITY	UNIT COST	TOTAL COST
<b>Water Mains (Size, Type &amp; Pipe Class)</b>				
8" DR18 PVC	LF	20	11.10	\$ 222 -
10" SDR11 HDPE	LF	100	73.49	\$ 7,349 -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
<b>Water Valves (Size and Type)</b>				
8" MJ GATE VALVE	Ea	1	1,178	\$ 1,178 -
10x8 TAD SIEVE + VALVE	Ea	1	4,814	\$ 4,814 -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
<b>Hydrants Assembly (Size and Type)</b>				
	Ea		\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
<b>Fittings (Size and Type)</b>				
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
			\$ -	\$ -
Total Water System Cost				\$ 13,563 -



**St. Johns County Board of County Commissioners**

Utility Department

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**INTEROFFICE MEMORANDUM**

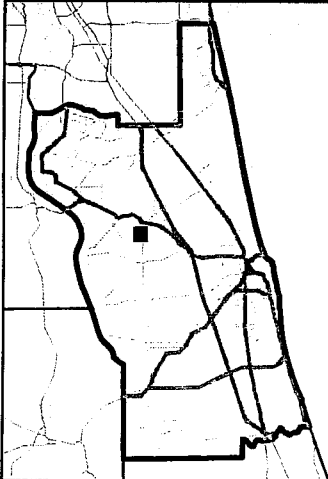
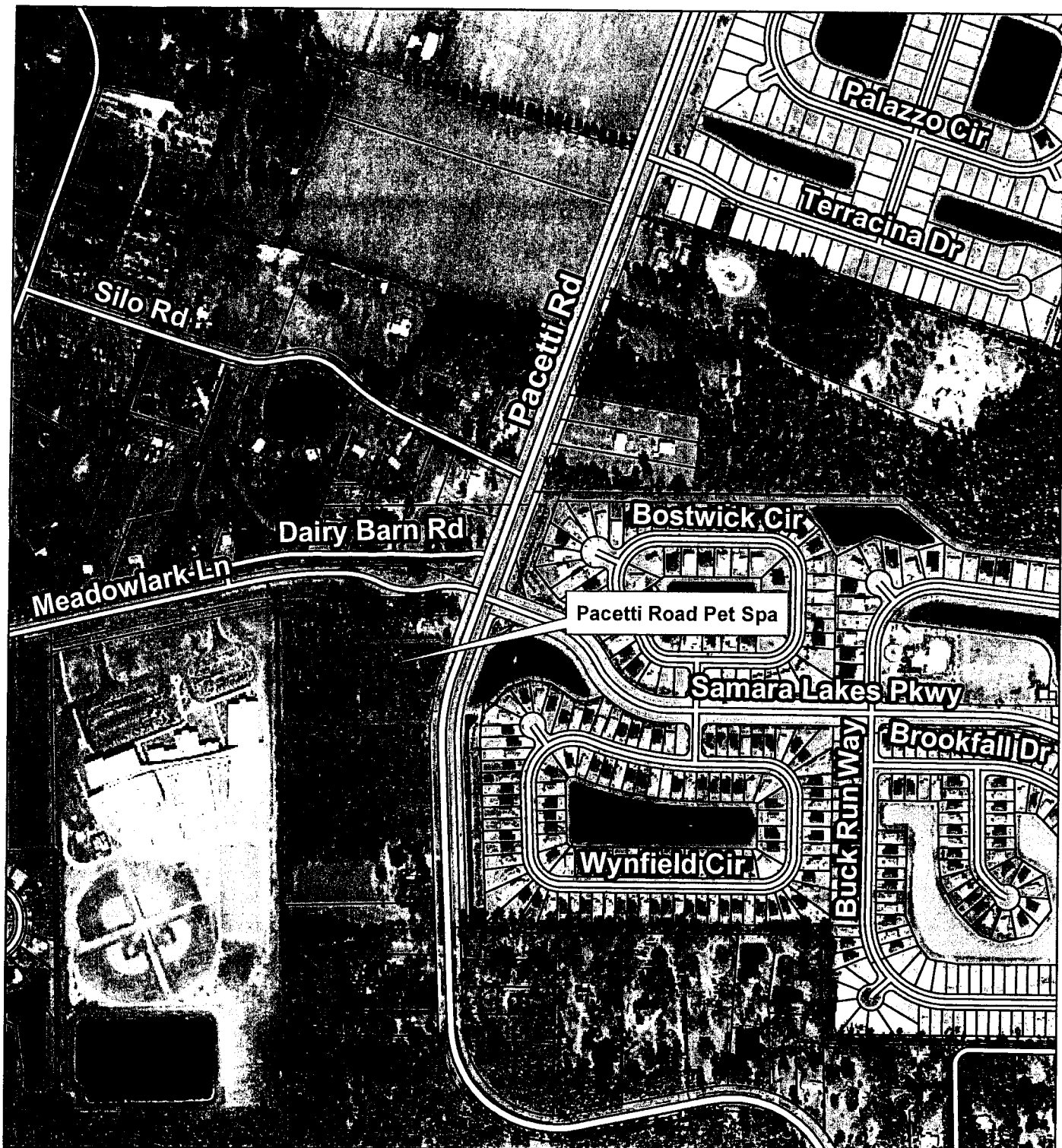
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TO: Nanette Bradbury, Real Estate Coordinator  
FROM: Melissa Caraway, Utility Review Coordinator  
SUBJECT: Pacetti Road Pet Spa  
DATE: June 28, 2010

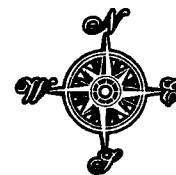
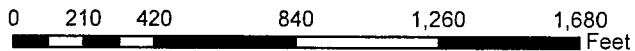
Please present the Easement, Bill of Sale, and Schedule of Values to the Board of County Commissioners (BCC) for final approval and acceptance of Pacetti Road Pet Spa.

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.



## Easement for Utilities Pacetti Road Pet Spa



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
July 6, 2010  
(904) 209-0788

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