

RESOLUTION NO. 2010- 182

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO LEROY'S CAFE LOCATED ON US #1 SOUTH AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM.**

**RECITALS**

**WHEREAS**, Kerry Wall, Trustee for the Leroy E. Wall, Jr. Living Trust 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 service to Leroy's Cafe located on US #1 South; and

**WHEREAS**, Kerry Wall has also executed a Bill of Sale and schedule of values conveying all personal property associated with the water system which is located on the property identified in the above mentioned Easement for Utilities and the sewer facilities, that lie within the right-of-way of US #1 South, 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, 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 7<sup>th</sup> day of September, 2010.

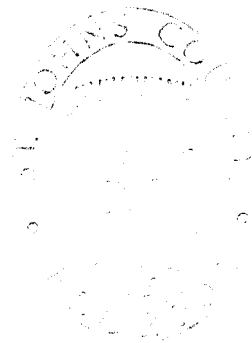
**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA**

By: Ron Sanchez  
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk

By: Yvonne King  
Deputy Clerk

RENDITION DATE 09/08/10



**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 8<sup>th</sup> day of July, 2010 by Kerry Wall, Trustee for the Leroy E. Wall, Jr., Living Trust with an address of P.O. Box 1510, St. Augustine, Florida, 32085-1510, 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. This easement is for water distribution system utility services only and does not convey any right to install other utilities such as cable television service lines.

*Water  
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 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. 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

By: Kerry L Wall  
Its: Trustee

JAMES L. SOLANA  
Print Name

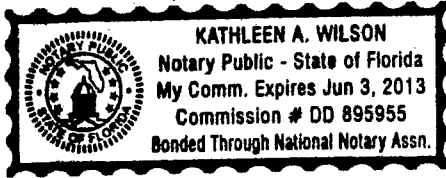
[Signature]  
Witness

Scott Gilliland  
Print Name

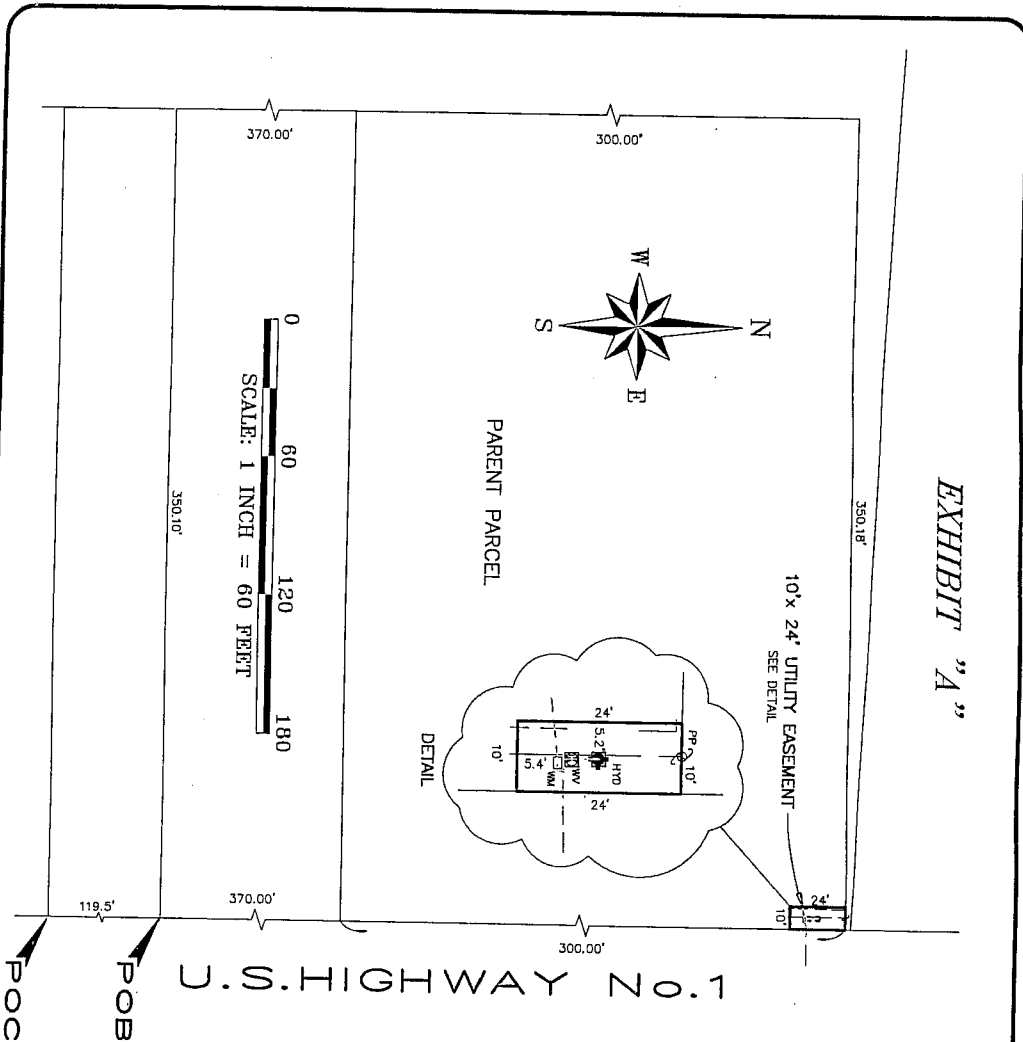
State of Florida  
County of ST. Johns

The foregoing instrument was acknowledged before me this 9th day of July, 2010, by Kerry L. Wall who is personally known to me or has produced (ID) Personal Known as identification.

[Signature]  
Notary Public



**EXHIBIT "A"**



**UTILITY EASEMENT DESCRIPTION**

THE EAST 10 FEET OF THE NORTH 24 FEET OF THE NORTHWESTLY 300 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, AND THE SOUTH LINE OF LOT 8, SECTION 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY No. 1, A DISTANCE OF 119.5 FEET TO AN IRON PIPE, WHICH DISTANCE IS THE POINT OF BEGINNING; THENCE CONTINUE IN THE NORTH AND WEST RIGHT OF WAY LINE A DISTANCE OF 670 FEET TO AN IRON PIPE; THENCE RUN WEST ON A LINE PERPENDICULAR TO THAT LAST DESCRIBED AND AT AN ANGLE OF 90 DEGREES THEREWITH, A DISTANCE OF 350 FEET TO AN IRON PIPE; THENCE RUN SOUTH ON A LINE PERPENDICULAR TO THAT LAST DESCRIBED SAME BEING U.S. HIGHWAY No. 1, A DISTANCE OF 670 FEET TO AN IRON PIPE; THENCE A DISTANCE OF 670 FEET TO PERPENDICULAR TO THAT LAST DESCRIBED LINE AN ANGLE OF 90 DEGREES, A DISTANCE OF 350 FEET TO THE POINT OF BEGINNING, ALL BEING IN SAID LOT 8, SECTION 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST. EXCEPT AS DESCRIBED AS FOLLOWS: THE NORTH 670 FEET OF LOT 8, SECTION 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, EXCEPT THE WEST 10 FEET FROM ANY PART THEREOF LING WITHIN THE RIGHT OF WAY OF U.S. 1, AS PRESENTLY ESTABLISHED.

- LEGEND**
- R/W = RIGHT OF WAY
  - CONC = CONCRETE
  - (R) = RECORD
  - (M) = MEASURED
  - LB = LICENSED BUSINESS
  - PP = POWER POLE
  - OHV = OVERHEAD WIRE
  - POB = POINT OF BEGINNING
  - POC = POINT OF CLOSURE
  - HTG = WATERED END SECTION
  - HTG = FIRE HYDRANT
  - WM = WATER METER
  - DOT = DEPARTMENT OF TRANSPORTATION
  - GV = TELEPHONE RIVER WASHHOLE
  - ESB = ELECTRIC SERVICE BOX
  - FOC = FIBER OPTIC CABLE
  - LP = LIGHT POLE
  - USLA = UNDERGROUND GAS LINE MARKER
  - x 30 97' = ELLIPTICAL SPOT ELEVATION
  - ERCP = ELLIPTICAL SPOT ELEVATION
  - CLF = CHAIN LINK FENCE

SKETCH OF LEGAL  
DATE: 7/9/2010  
SCALE: 1" = 60'  
JOB#: 9-253

**ANCIENT CITY SURVEYING**

**ACS**

SURVEYORS \* ENGINEERS  
LAND PLANNERS



4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401  
ST. AUGUSTINE, FLORIDA 32086  
PHONE: 904-797-9967 FAX: 904-797-6027

MICHAEL A. PISCO PLS  
Professional Land Surveyor #4793

SEAL  
*Michael A. Pisco*  
DATE SIGNED: 7/9/10



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

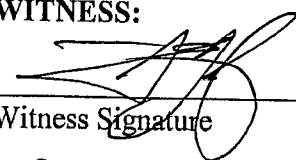
Leroy's Cafe

Kerry Wall, 2555 US 1 S. (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 Mains) 1-8x6 Wet tap sleeve, 1-6" C900 DR 18 CL 150, 1-6" MJ Anchor Tee w/Megalugs, 2-461-S Valve box, 2-Water peg marker (Water Valves) 2-6" MJ Gate Valve (Hydrant Assy) 1-5-1/4" VO 129 HYD 3'6" B; (SEWER) 150 LF 2" HDPE SDR 9, 2-2" Gate Valve, 1-10" by 2" saddle, 2 Valve boxes

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.

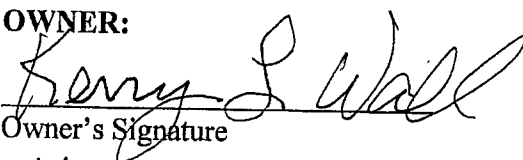
IN WITNESS WHEREOF, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this 8th of July, 2010

WITNESS:

  
\_\_\_\_\_  
Witness Signature

Scott Gilliland  
\_\_\_\_\_  
Print Witness Name

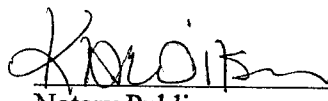
OWNER:

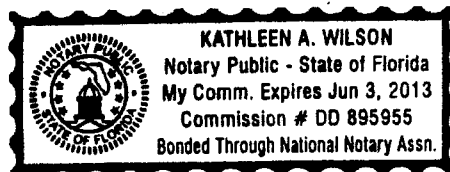
  
\_\_\_\_\_  
Owner's Signature

KERRY L WALL  
\_\_\_\_\_  
Print Owner's Name

State of Florida  
County of St Johns

The foregoing instrument was acknowledged before me this 8th day of July, 2010, by Kerry L. Wall who is personally known to me or has produced personal known as identification.

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





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

Project Name: LEROY'S CAFE  
 Contractor: BURNEY'S SEPTIC TANK SERVICE, INC.  
 Developer: *(COST)* KERRY WALL  
*MATERIAL ONLY*

ASSET TYPE	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL COST
<b>(1)</b>	<b>Water Mains (Size, Type &amp; Pipe Class)</b>				
1	8x6 Wet tap sleeve	LF		\$ -	\$ 1256.30
1	6" C900 DR 18 CL 150	LF	20	\$ 4.09	\$ 81.80
1	6" MJ Anchor Tee w/Megalugs	LF		\$ -	\$ 149.56
2	461-S Valve Box	LF		\$ -	\$ 62.70
2	Water peg marker	LF		\$ 15.00	\$ 30.00
		LF		\$ -	\$ -
		LF		\$ -	\$ -
<b>(1)</b>	<b>Water Valves (Size and Type)</b>				
2	6" MJ Gate Valve	Ea		\$ 445.84	\$ 891.68
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
<b>(1)</b>	<b>Hydrants Assembly (Size and Type)</b>				
1	5-1/4" VO 129 HYD / 16" B	Ea	1	\$ -	\$ 1370.00
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
<b>(1)</b>	<b>Services (Size and Type)</b>				
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
		Ea		\$ -	\$ -
<b>Total Water System Cost</b>					<b>\$ 3841.84</b>

Note: Asset Type (1) Water Pipeline and Appurtenances





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

Utility Department

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**INTEROFFICE MEMORANDUM**

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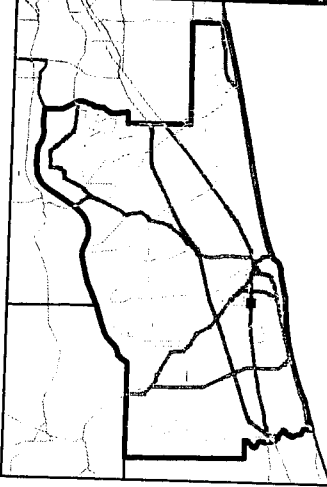
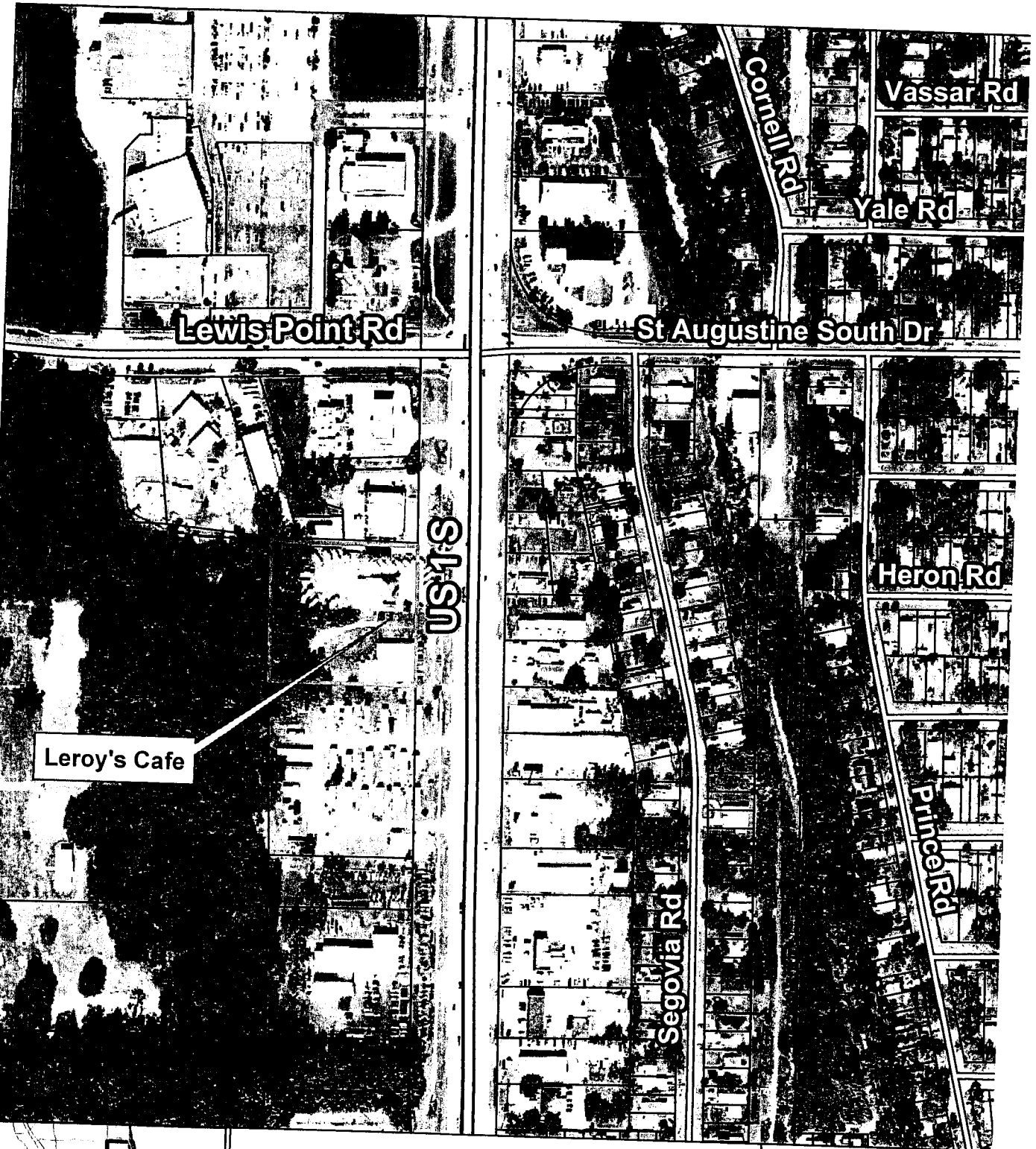
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TO: Nanette Bradbury, Real Estate Coordinator  
FROM: Melissa Caraway, Utility Review Coordinator  
SUBJECT: Leroy's Cafe  
DATE: July 19, 2010

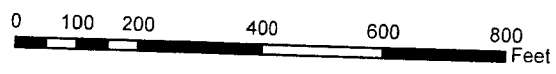
Please present the Easement, Bill of Sale, and Schedule of Values to the Board of County Commissioners (BCC) for final approval and acceptance of Leroy's Cafe.

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.



## Leroy's Cafe Easement for Utilities



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
August 9, 2010  
(904) 209-0788

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