

RESOLUTION NO. 2010- 241

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PARTIAL TERMINATION OF AN EASEMENT FOR UTILITIES FROM MARSHALL CREEK VILLAGE CENTER.

WHEREAS, Marshall Creek Village Center Phase 1 has been re-platted and is now Marshall Creek DRI Village Center Unit Two. The original Easement for Utilities was granted in 2002 for various locations within the subdivision; and

WHEREAS, a portion of the above mentioned utility easement lies within a residential lot in the subdivision, however, there are no utility lines located within the lot. The property owner contacted the Utility Department to request that portion of the easement be terminated to clear the title to the property. The Partial Termination of Easement is attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the Utility Department has verified there are no utility lines and has requested the portion of easement lying within Lot 1A be terminated as shown on the memo attached hereto as Exhibit "B", incorporated by reference and made a part hereof; 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:

1. The above Recitals are incorporated by reference into the body of this Resolution and adopted as findings of fact.
2. The Board of County Commissioners hereby authorizes the County Administrator, or designee, execute the Partial Termination of Easement.
3. The Clerk of Court is instructed to record the Partial Termination of Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 2nd day of November, 2010.

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

By: Ron Sanchez
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk
By: Jam Halterman
Deputy Clerk

RENDITION DATE 11/4/10



Exhibit "A" to Resolution

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

PARTIAL TERMINATION OF EASEMENT

THIS PARTIAL TERMINATION OF EASEMENT made this _____ day of _____, 2010, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called party of the first part and **MARSHALL CREEK, LTD., a Florida limited partnership**, whose address is 605 Palencia Club Drive, St. Augustine, Florida 32095, hereinafter called party of the second part.

WHEREAS, the party of the first part does hereby terminate a portion of that certain easement described in Official Records Book 1816, Page 124, of the public records of St. Johns County, Florida, as to all the land situate, lying and being in St. Johns County, State of Florida and being more particularly described as follows:

LOT 1A, MARSHALL CREEK DRI VILLAGE CENTER UNIT TWO – A REPLAT, AS RECORDED IN MAP BOOK 62 PAGE 75-76 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

In consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged by the party of the first, the party of the first part St. Johns County, Florida, does hereby terminate and vacate that easement described above, effective this date. Nothing herein contained shall in anywise impair, alter or diminish the effect of the remaining part of such land in said easement or any rights of the party of the first thereof.

IN WITNESS WHEREOF, party of the first part has executed this Termination on the day and year first above written.

Signed, sealed and delivered
in the presence of:

ST. JOHNS COUNTY, FLORIDA

Print Name: _____

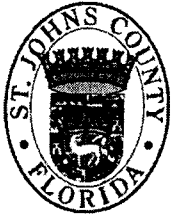
By: _____
Michael D. Wanchick,
County Administrator

Print Name _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by Michael D. Wanchick, County Administrator, on behalf of the County. He is personally known to me.

Notary Public
My commission expires: _____



St. Johns County Board of County Commissioners

Utility Department

INTEROFFICE MEMORANDUM

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Termination of Easement
DATE: October 1, 2010

The St. Johns County Utility Department is requesting that the easement area within Lot 1A Marshall Creek Village Center Unit 2 replat to be terminated due to the fact that there are no utility lines located on the above referenced property.

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.