

RESOLUTION NO. 2011- 101

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO PALENCIA FITNESS CENTER LOCATED ON NORTH LOOP PARKWAY AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM.

RECITALS

WHEREAS, Sweetwater Creek Community Development District, a local unit of special purpose government organized and existing in accordance with Chapter 190, Florida Statutes, 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 Palencia Fitness Center located on North Loop Parkway; and

WHEREAS, Sweetwater Creek CDD has also executed a Bill of Sale and schedule of values conveying all personal property associated with the water system, 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 3rd day of May, 2011.

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

By: 

J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 5/5/11

Exhibit "A" to Resolution

PREPARED BY:

KATHRYN F. WHITTINGTON, ESQ.
PAPPAS METCALF JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE, SUITE 400
JACKSONVILLE, FL 32202

Return to:

St. Johns County Real Estate Department
4020 Lewis Speedway
St. Augustine, Florida 32084

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 11th day of February, 2011 by **SWEETWATER CREEK COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government organized and existing in accordance with Chapter 190, Florida Statutes, with an address of 12051 Corporate Boulevard, Orlando, Florida 32817, 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". 500 San Sebastian View

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. 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 (Ingress/Egress Area).** This easement is for water and/or sewer utility services only and does not convey any right to install other utilities such as cable television service lines.

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 and sewer 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. (a) 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.

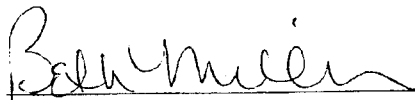
4. This Grant of Easement shall inure to the benefit of and be binding of and be binding upon Grantee and its successors and assigns.

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.

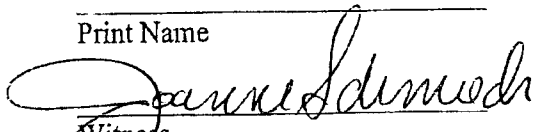
Signed, sealed and delivered
In the presence of:

SWEETWATER CREEK COMMUNITY DEVELOPMENT DISTRICT, a local unit of special purpose government organized and existing in accordance with Chapter 190, Florida Statutes


Witness **BETH MILLER**

By: Kelly McCarrick
Its: CHAIR
Address: 12051 Corporate Boulevard
Orlando, Florida 32817

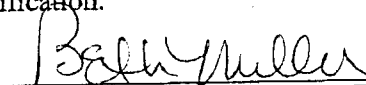
Print Name


Witness **JOANNE SCHMIEDER**
Print Name

State of FLORIDA
County of VOLUSIA

The foregoing instrument was acknowledged before me this 11th day of February, 2011, by Kelly McCarrick as Chair of SWEETWATER CREEK COMMUNITY DEVELOPMENT DISTRICT, a local unit of special purpose government organized and existing in accordance with Chapter 190, Florida Statutes who is personally known to me or has produced _____ as identification.




Notary Public **BETH MILLER**



Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

EXHIBIT A to Easement

Page 1

14775 Old St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

January 6, 2011
Palencia North Amenity Area

Work Order No. 11-001.00
File No. 121D-07.00A

Utility Easement

A portion of Section 33, Township 5 South, Range 29 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 3314, page 1170 of the Public Records of said county, being more particularly described as follows:

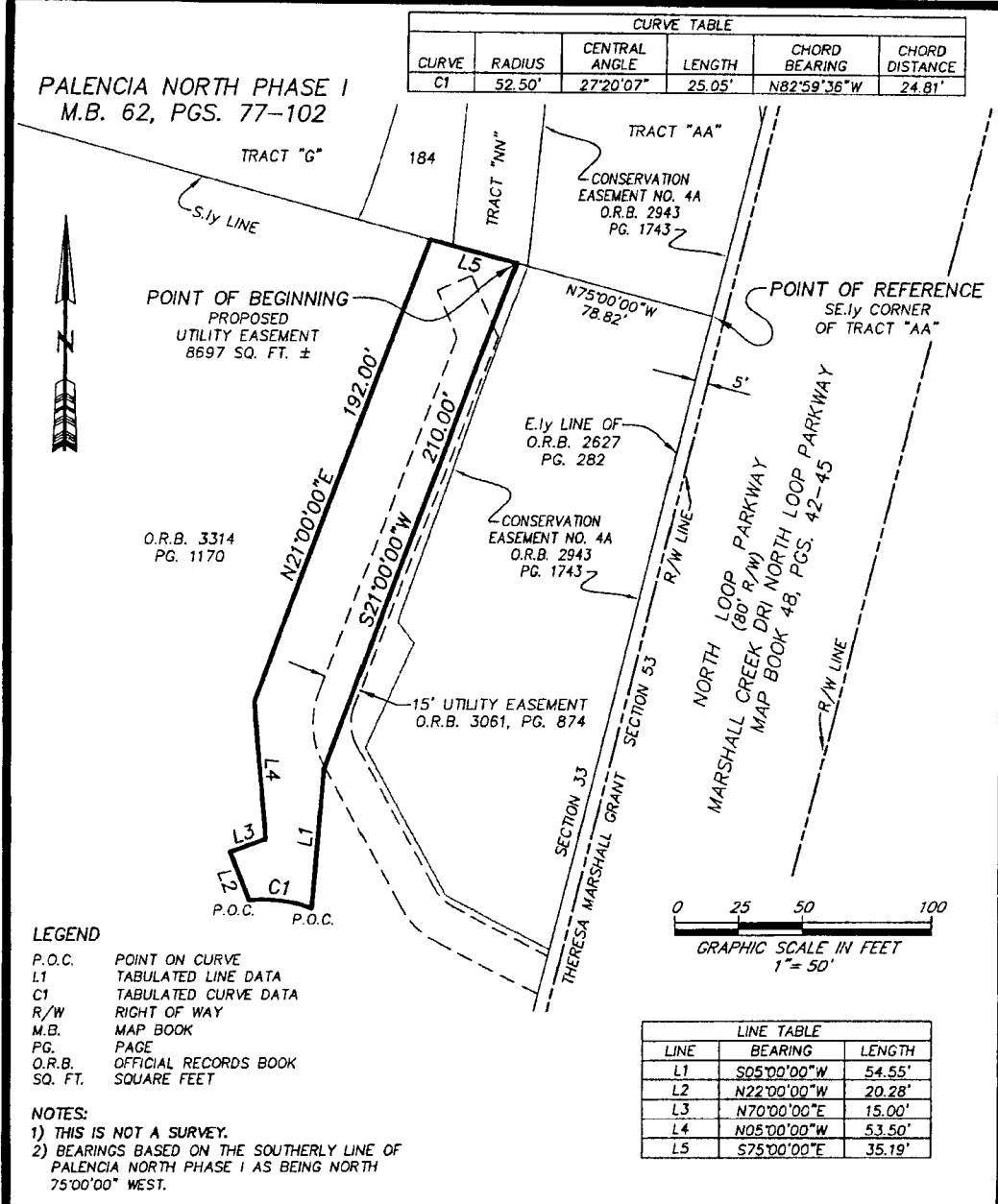
For a Point of Reference, commence at the Southeasterly corner of Tract "AA", as shown on the plat of Palencia North Phase I, as recorded in Map Book 62, pages 77 through 102, inclusive, of said Public Records; thence North 75°00'00" West, along the Southerly line of said plat, 78.82 feet to the Point of Beginning.

From said Point of Beginning, thence South 21°00'00" West, departing said Southerly line, 210.00 feet; thence South 05°00'00" West, 54.55 feet to a point lying on a curve concave Southerly having a radius of 52.50 feet; thence Westerly along the arc of said curve, through a central angle of 27°20'07", an arc length of 25.05 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 82°59'36" West, 24.81 feet; thence North 22°00'00" West, 20.28 feet; thence North 70°00'00" East, 15.00 feet; thence North 05°00'00" West, 53.50 feet; thence North 21°00'00" East, 192.00 feet to a point lying on said Southerly line of Palencia North Phase I; thence South 75°00'00" East, along said Southerly line, 35.19 feet to the Point of Beginning.

Containing 8697 square feet, more or less.

SKETCH TO ACCOMPANY DESCRIPTION

A PORTION OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3314, PAGE 1170 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.



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



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
 Certificate of Authorization No.: LB 3624

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

DATE: JANUARY 6, 2011 SCALE: 1"=50'



Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

EXHIBIT B to Easement

14775 Old St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

January 6, 2011
Palencia North Amenity Area

Work Order No. 11-001.00
File No. 121D-07.00B

Access Easement 1

A portion of Section 33, together with a portion of Section 53 of the Theresa Marshall Grant, Township 5 South, Range 29 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 1431, page 504, and Official Records Book 3314, page 1170 of the Public Records of said county, being more particularly described as follows:

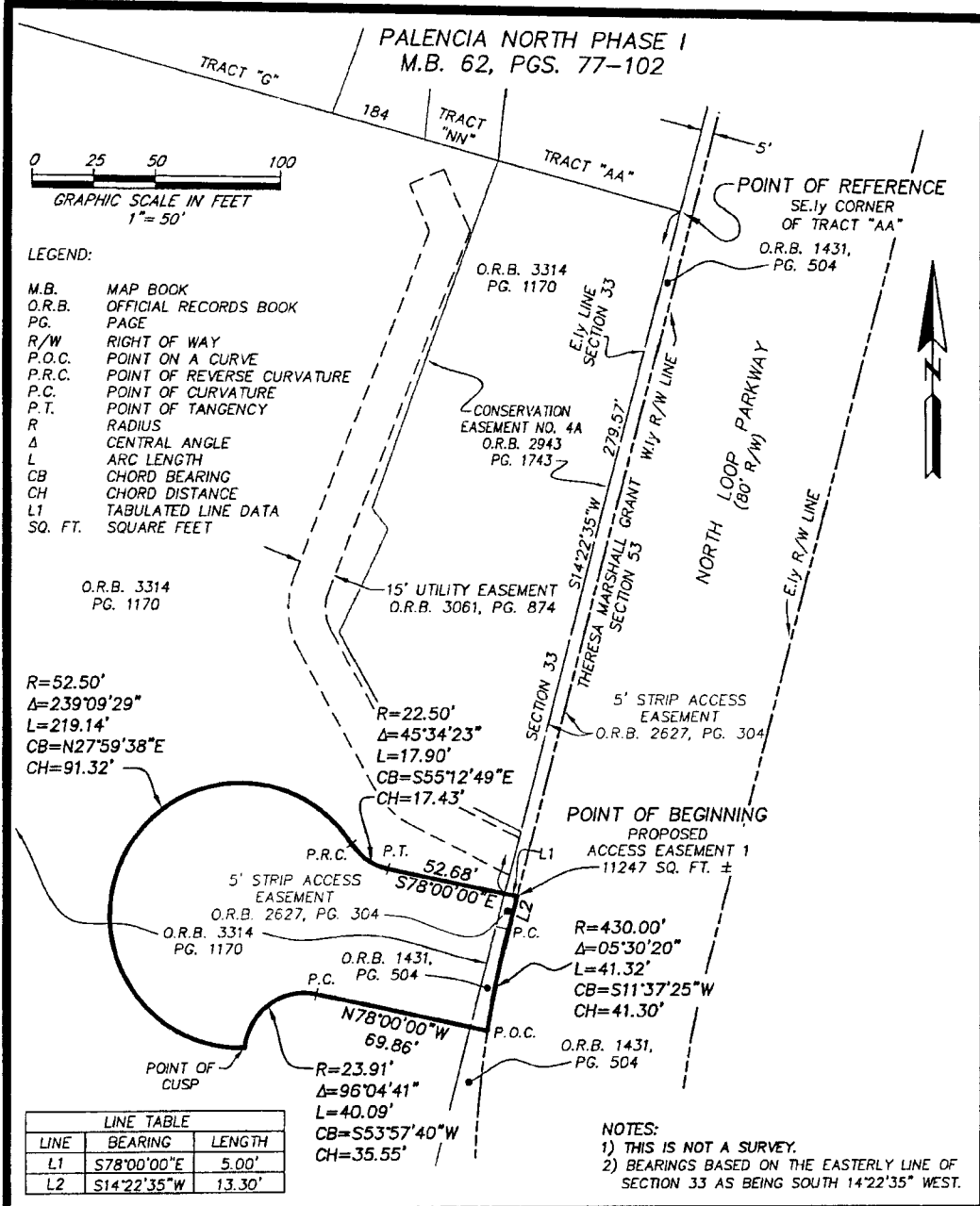
For a Point of Reference, commence at the Southeasterly corner of Tract "AA", as shown on the plat of Palencia North Phase I, as recorded in Map Book 62, pages 77 through 102, inclusive, of said Public Records, said corner also lying on the Easterly line of said Section 33; thence South $14^{\circ}22'35''$ West, along said Easterly line, 279.57 feet; thence South $78^{\circ}00'00''$ East, departing said Easterly line, 5.00 feet to a point lying on the Westerly right of way line of North Loop Parkway, an 80 foot right of way as presently established and the Point of Beginning.

From said Point of Beginning, thence South $14^{\circ}22'35''$ West, along said Westerly right of way line of North Loop Parkway, 13.30 feet to the point of curvature of a curve concave Easterly, having a radius of 430.00 feet; thence Southerly, continuing along said Westerly right of way line, and along the arc of said curve, through a central angle of $05^{\circ}30'20''$, an arc length of 41.32 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South $11^{\circ}37'25''$ West, 41.30 feet; thence North $78^{\circ}00'00''$ West, departing said Westerly right of way line, 69.86 feet to the point of curvature of a curve concave Southeasterly, having a radius of 23.91 feet; thence Southwesterly, along the arc of said curve, through a central angle of $96^{\circ}04'41''$, an arc length of 40.09 feet to a point of cusp, said arc being subtended by a chord bearing and distance of South $53^{\circ}57'40''$ West, 35.55 feet; thence along and around the arc of a curve concave Southeasterly, having a radius of 52.50 feet, through a central angle of $239^{\circ}09'29''$, an arc length of 219.14 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $27^{\circ}59'38''$ East, 91.32 feet; thence Southeasterly, along the arc of a curve concave Northeasterly, having a radius of 22.50 feet, through a central angle of $45^{\circ}34'23''$, an arc length of 17.90 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $55^{\circ}12'49''$ East, 17.43 feet; thence South $78^{\circ}00'00''$ East, 52.68 feet to the Point of Beginning.

Containing 11247 square feet, more or less.

SKETCH TO ACCOMPANY DESCRIPTION OF

A PORTION OF SECTION 33, TOGETHER WITH A PORTION OF SECTION 53 OF THE THERESA MARSHALL GRANT, TOWNSHIP 5 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1431, PAGE 504, AND OFFICIAL RECORDS BOOK 3314, PAGE 1170 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED IN A SEPARATE ATTACHMENT.



LEGEND:

- M.B. MAP BOOK
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- P.O.C. POINT ON A CURVE
- P.R.C. POINT OF REVERSE CURVATURE
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- R RADIUS
- Δ CENTRAL ANGLE
- L ARC LENGTH
- CB CHORD BEARING
- CH CHORD DISTANCE
- L1 TABULATED LINE DATA
- SQ. FT. SQUARE FEET

R=52.50'
 Δ=239°09'29"
 L=219.14'
 CB=N27°59'38"E
 CH=91.32'

R=22.50'
 Δ=45°34'23"
 L=17.90'
 CB=S55°12'49"E
 CH=17.43'

R=430.00'
 Δ=05°30'20"
 L=41.32'
 CB=S11°37'25"W
 CH=41.30'

R=23.91'
 Δ=96°04'41"
 L=40.09'
 CB=S53°57'40"W
 CH=35.55'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S78°00'00"E	5.00'
L2	S14°22'35"W	13.30'

- NOTES:**
- 1) THIS IS NOT A SURVEY.
 - 2) BEARINGS BASED ON THE EASTERLY LINE OF SECTION 33 AS BEING SOUTH 14°22'35" WEST.

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

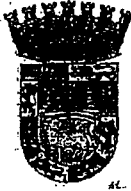


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 Certificate of Authorization No.: LB 3624

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

DATE: JANUARY 6, 2011 SCALE: 1"=50'



BILL OF SALE
UTILITY IMPROVEMENTS
for

Palencia North Fitness Center
For

Sweetwater Creek Community Development District

Sweetwater Creek CDD (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:

(See Exhibit A - Schedule of Values)

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 14 of Jan, 2011

WITNESS:

Beth Miller

Witness Signature

BETH MILLER

Print Witness Name

OWNER:

Sweetwater Creek CDD

Kelly McCarrick

Owner's Signature

Kelly McCarrick

Print Owner's Name

State of FLORIDA
County of Volusia

The foregoing instrument was acknowledged before me this 14th day of January, 2011 by KELLY MCCARRICK who is personally known to me or has produced _____ as identification.

Beth Miller
Notary Public

BETH MILLER



Exhibit "A" to schedule of values



St. Johns County Utility Department
 Asset Management
 Schedule of Values

EXHIBIT A

Project Name: Palencia Fitness Center
 Contractor: Landsouth Construction, LLC
 Developer: Sweetwater Creek CDD

Water mains	UNIT	QUANTITY	UNIT COST	TOTAL COST
8" DR 18 PVC	LF	235	\$ 10.20	\$ 2,397.00
6" DR 18 PVC	LF	15	\$ 3.95	\$ 59.25
3" SDR19	LF	30	\$ 15.62	\$ 468.60
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Water Valves	LF		\$ -	\$ -
	LF		\$ -	\$ -
3" Gate Valve	Ea	2	\$ 431.21	\$ 862.42
6" Gate Valve	Ea	1	\$ 645.21	\$ 645.21
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Hydrant	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
6" Fire Hydrant Assembly	Ea	1	\$ 1,546.15	\$ 1,546.15
			\$ -	\$ -
			\$ -	\$ -
3" Meter Box Water	EA	1	\$ 3,156.50	\$ 3,156.50
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Total Water System Cost				\$ 9,135.13



St. Johns County Board of County Commissioners

Utility Department

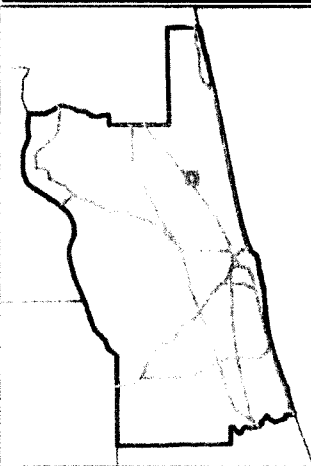
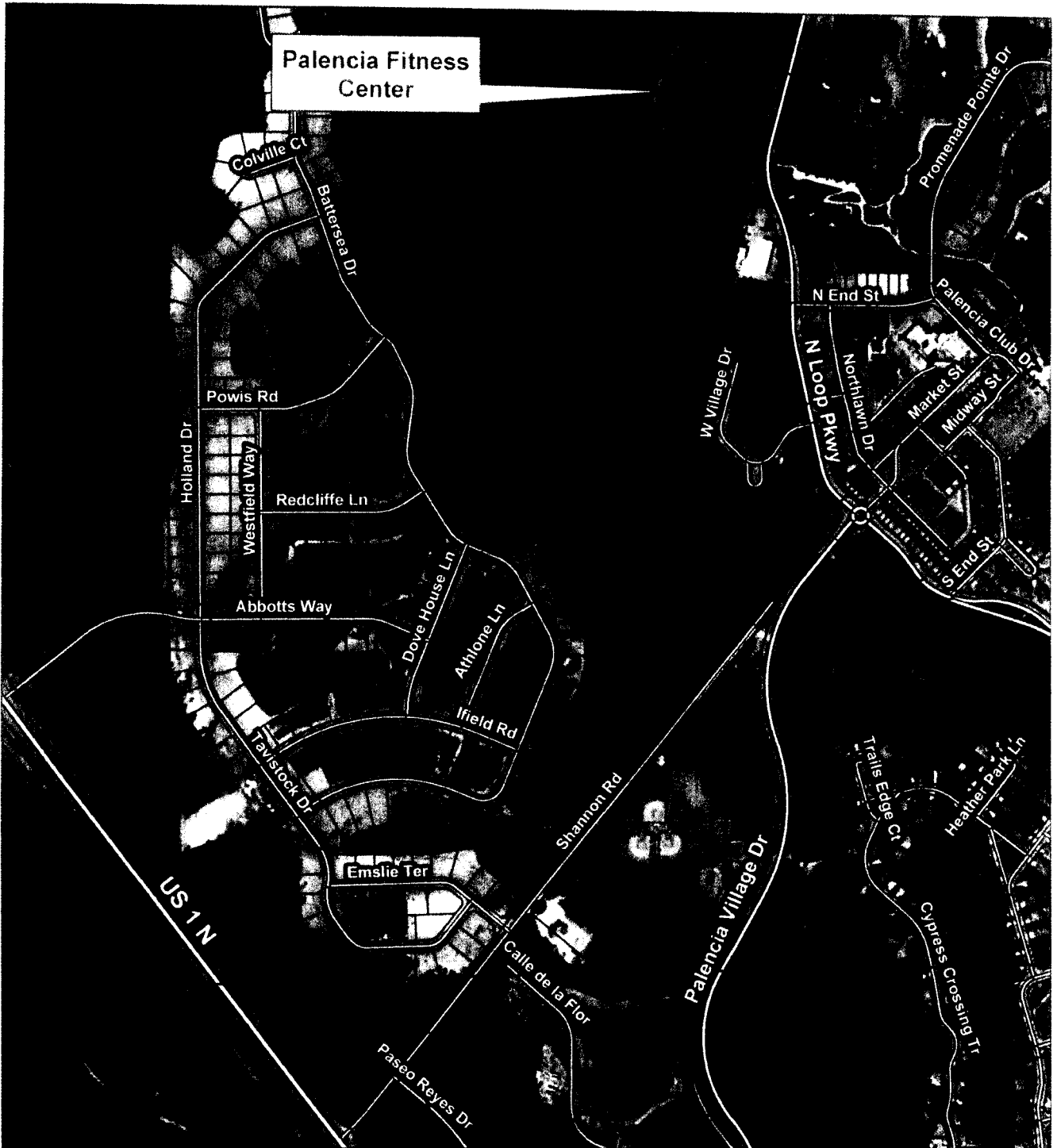
INTEROFFICE MEMORANDUM

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Palencia Fitness Center
DATE: April 5, 2011

Please present the Easement, Bill of Sale, and Schedule of Values to the Board of County Commissioners (BCC) for final approval and acceptance of Palencia Fitness Center.

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.



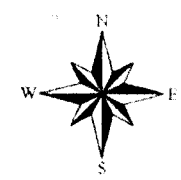
Palencia Fitness Center Easement for Utilities



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
April 6, 2011
(904) 209-0788



LOCATION MAP

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