

RESOLUTION NO. 2011-338

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO DRAINAGE EASEMENTS FOR THE VACATED PORTION OF SECOND STREET IN SURFSIDE SUBDIVISION ON VILANO BEACH.**

**RECITALS**

**WHEREAS,** certain property owners petitioned the County to vacate a portion of Second Street. The road vacation was approved by Resolution 2005-138, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, with the condition that the property owners grant easements for future drainage purposes; and

**WHEREAS,** two property owners have executed and presented two Grant of Drainage Easements for the vacated portion of Second Street, attached hereto as Exhibits "B" and "C," incorporated by reference and made a part hereof; and

**WHEREAS,** it is in the best interest of the County to accept the easements for future drainage needs in the area.

**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 Board of County Commissioners hereby accepts the Grant of Drainage Easement.

**Section 3.** To the extent that there are typographical, scriveners and/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.

**Section 4.** The Clerk of Circuit Court is instructed to record the two Drainage Easements in the public records of St. Johns County.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida this 6<sup>th</sup> day of December, 2011.

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

BY:   
Mark P. Mines, Chair



**ATTEST:** Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 12/8/11

Public Records of  
St. Johns County, FL  
Clerk # 2005089891,  
O.R. 2493 PG 1541-1544  
07/26/2006 at 10:09 AM,  
REC. \$17.00 SUR. \$18.50

RESOLUTION NO. 2005- 138

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF 2<sup>ND</sup> STREET AT OAK AVENUE

WHEREAS, as petition has been filed by qualified land owners to vacate part of certain public streets, alleyways or roads hereinafter described; and,

WHEREAS, the qualified landowners agree to grant a utility and drainage easement to the County across the area sought to be vacated by this Resolution; and,

WHEREAS, this Board has heretofore passed a Resolution as required by Section 336.09, Florida Statutes, and Notice of Public Hearing has been duly published and Proof of Publication has been filed with this Board; and,

WHEREAS, it appears that the averments of said petition are true,

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

1.

It is hereby found and determined that the action taken in paragraph #2 below is in the best interest of the public.

2.

That the following described streets, alleyways, roads, or portions thereof; to-wit:

**LEGAL DESCRIPTION AS PER ATTACHED SCHEDULE "A"**

be and the same are hereby vacated, abandoned, discontinued and closed, and this Board hereby renounces and disclaims any right of the County and the Public in and to the above described streets, alleyways or roads, and any land in connection therewith, with the exception that the County, or its assigns, retain the utility and drainage easement.

3.

That the notice required by Section 336.10, Florida Statutes, of the adoption of this resolution is hereby authorized to be published.

4.

That the applicant shall pay all recording costs.

DATED this 18<sup>th</sup> day of MAY, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Bruce Maguire*  
Bruce Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

BY: *Cheryl Strickland*  
Deputy Clerk

RENDITION DATE 6-6-05

*Folder - BCC Secty  
P. D. Casaric*

Schedule 'A' to Resolution

All that portion of Second Street lying between Lot 2, Block CC and Lot 14, Block DD,  
Unit "A" of Surfside Subdivision, as recorded in Map Book 4, page 32, of public records  
of St. Johns County, Florida.

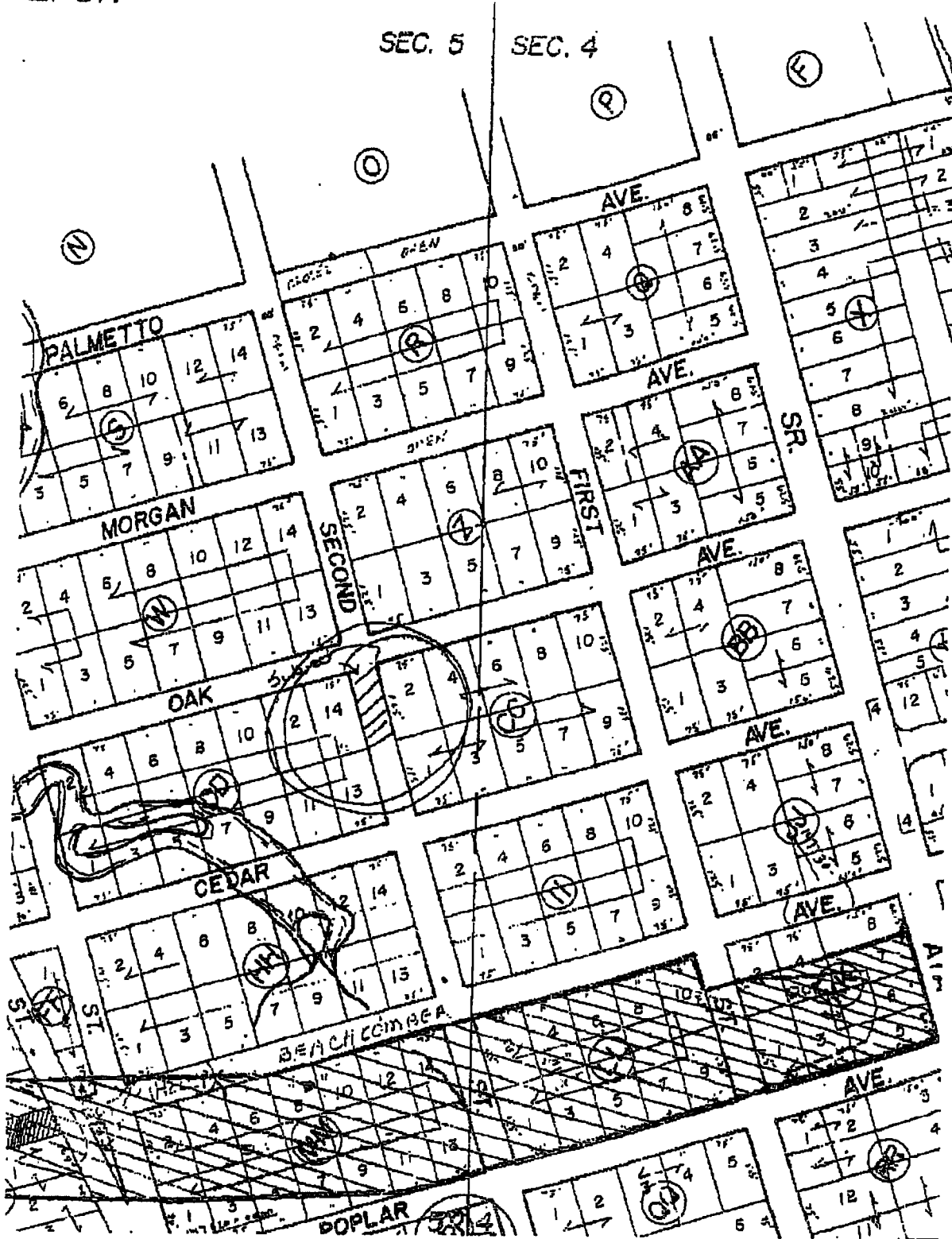


Exhibit "B" to Resolution

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

GRANT OF DRAINAGE EASEMENT

THIS INDENTURE, made this 18<sup>th</sup> day of October, 2011, between JIM B. MCFAULS, a/k/a JAMES BRYANT MCFAULS and NANCY L. MCFAULS a/k/a NANCY LYNN MCFAULS, husband and wife, individually and as Trustees of the James and Nancy McFauls Family Trust under agreement dated July 27, 2009, whose address is 3142 Lakeshore Boulevard, Jacksonville, Florida 32210, hereinafter called GRANTOR, and 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 GRANTEE.

WITNESSETH: That Grantor, for and in consideration of the benefit that Grantor will receive, the receipt of which is hereby acknowledged, has granted and conveyed to the Grantee, its successors and assigns, an ingress and egress easement with the right, privilege, and authority to said Grantee, its successors and assigns, to drain surface waters either above or below the surface of the ground, together with the right to install and maintain drainage structures, on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

The West seven and one-half (7 1/2) feet of the East half of that portion of vacated Second Street recorded in Official Records Book 2493, page 1541, of the public records of St. Johns County, Florida.

TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under or in lands, together with the right, easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

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

Signed and Sealed in Our  
Presence as Witnesses:

Grantor:

(Sign) V.A. Feirstein  
(Print) VA FEIRSTEIN

Jim B. McFauls  
JIM B. MCFAULS

(Sign) Kathy Feirstein  
(Print) KATHY FEIRSTEIN

Nancy L. McFauls  
NANCY L. MCFAULS

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of October, 2011, by Jim B. McFauls and Nancy L. McFauls, who are personally known to me or have produced DJA as identification.



JEANNE L. ZIDLICKY  
MY COMMISSION # DD 943407  
EXPIRES: March 27, 2014  
Bonded Thru Budget Notary Services

Jeanne L. Zidlicky  
Notary Public  
My Commission Expires: 3/27/14

Exhibit "C" to Resolution

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

GRANT OF DRAINAGE EASEMENT

THIS INDENTURE, made this 11<sup>th</sup> day of October, 2011, between BRIAN D. NELIGAN, as Trustee of the Brian Neligan Revocable Trust dated May 2, 2011, whose address is P. O. Box 49249, Jacksonville Beach, Florida 32240, hereinafter called GRANTOR, and 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 GRANTEE.

WITNESSETH: That Grantor, for and in consideration of the benefit that Grantor will receive, the receipt of which is hereby acknowledged, has granted and conveyed to the Grantee, its successors and assigns, an ingress and egress easement with the right, privilege, and authority to said Grantee, its successors and assigns, to drain surface waters either above or below the surface of the ground, together with the right to install and maintain drainage structures, on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

The East seven and one-half (7 1/2) feet of the West half of that portion of vacated Second Street recorded in Official Records Book 2493, page 1541, of the public records of St. Johns County, Florida.

TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under or in lands, together with the right, easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted, however Grantor, his successors and/or assigns, shall have the right to keep the existing bulkhead/wooden retaining wall, Building Permit No. 11102522, in its current location.

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

Signed and Sealed in Our  
Presence as Witnesses:

(Sign) Laurie Ford  
(Print) Laurie Ford

(Sign) Nancy Bradbury  
(Print) Nancy Bradbury

Grantor:

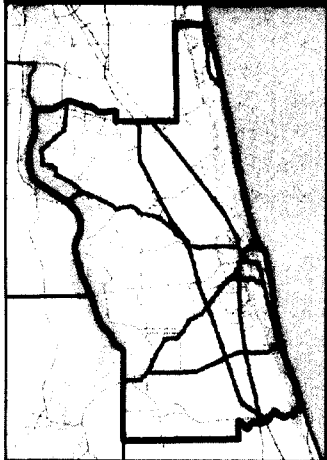
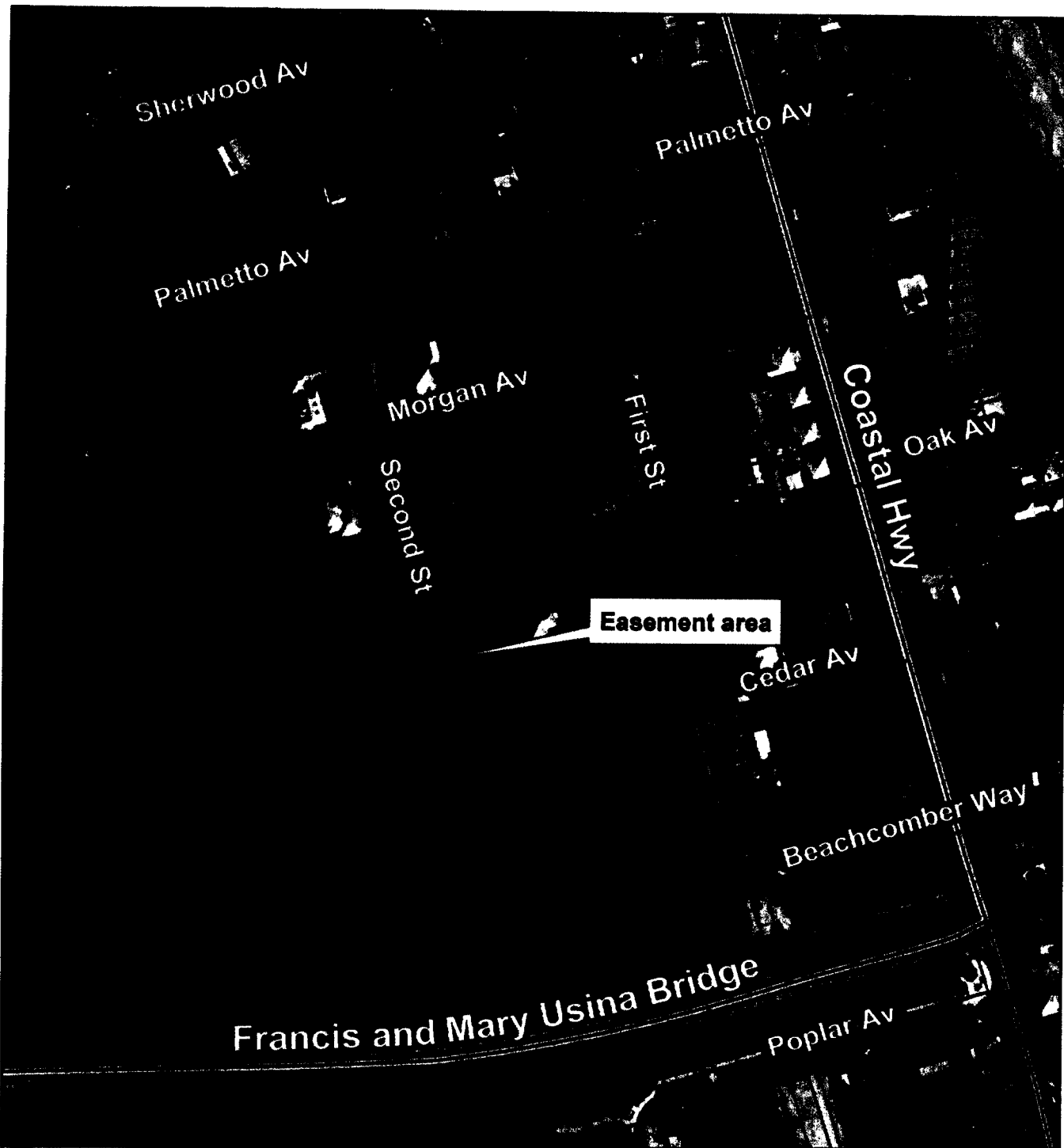
Brian D. Neligan  
Brian D. Neligan, Trustee of the Brian Neligan  
Revocable Trust date May 2, 2011

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of October, 2011, by Brian D. Neligan, who is personally known to me or has produced Fl. Drivers Lic. as identification.



Laurie Ford  
Notary Public  
My Commission Expires: 4-17-2012



## Second Street Drainage Easements



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
October 25, 2011  
(904) 209-0788



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