

RESOLUTION NO. 2012- 129

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN AMENDED EASEMENT FOR UTILITIES FOR SEWER SERVICE FOR THE ST. AUGUSTINE BEACH AND TENNIS CLUB.

RECITALS

WHEREAS, Atlantic Beach & Tennis Club, Inc., a Florida corporation, has executed and presented to the County an Amended Easement for Utilities, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, for the lift station and force main that serves the Beach & Tennis Club located on Ocean Trace Road; and

WHEREAS, the amendment is needed to increase the size of the easement area to allow more room for the new lift station that was constructed on the property; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the document mentioned above, as stated in a memo attached hereto as Exhibit "B," incorporated by reference and made a part hereof; and

WHEREAS, it is in the best interest of the County to accept this Easement for the health, safety and welfare of the citizens in that area; 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:


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 Amended Easement for Utilities attached and incorporated hereto, is hereby accepted.

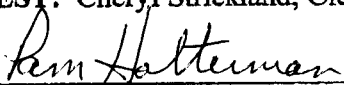
Section 3. The Clerk of the Circuit Court is instructed to record the original Amended Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 1st day of May, 2012.

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

By: 
Mark P. Miner, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 5/3/12



Exhibit "A" to Resolution

AMENDED EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 23rd day of March, 2012 by ATLANTIC BEACH & TENNIS CLUB, INC., a Florida corporation, with an address of 8 Ocean Trace Road, St. Augustine FL 32080, 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 sewer force mains and lift station and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground 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 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. This easement is for sewer utility services only and does not convey any right to install other utilities such as cable television service lines.

THIS EASEMENT IS GIVEN TO ADD TWO FEET TO THE LEGAL DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 529 PAGE 891-2 AND OFFICIAL RECORDS BOOK 562 PAGE 174-75 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY.

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

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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. LIFT STATION & SEWER FORCE MAINS - Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains and lift station located within the Easement Area.

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.

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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

GLEspineti
Print Name

[Signature]
Witness

FREDERICK J HEINEN JR
Print Name

ATLANTIC BEACH AND
TENNIS CLUB, INC.

By: William O. Brothers
Its: President

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 23rd day of March, 2012, by William Brothers who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public

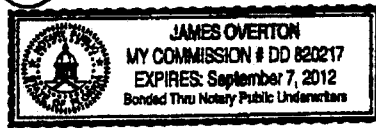


EXHIBIT "A"

EASEMENT AREA

A PARCEL OF LAND BEING IN GOVERNMENT LOT 5, SECTION 10, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF LINDA MAR, A RECORDED SUBDIVISION AS SHOWN IN MAP BOOK 8 PAGE 85 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID SOUTHWEST CORNER BEING ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF STATE ROAD A1A, RUN NORTH 89 DEGREES 15 MINUTES 00 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF SAID LINDA MAR SUBDIVISION, FOR A DISTANCE OF 1596.81 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 311.90 FEET TO A POINT; THENCE CONTINUE SOUTH 00 DEGREES 39 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 27.07 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 22 SECONDS WEST, FOR A DISTANCE OF 84.08 FEET TO A POINT; THENCE RUN SOUTH 37 DEGREES 00 DEGREES 06 MINUTES WEST, FOR A DISTANCE OF 24.42 FEET TO A POINT ON THE EAST LINE OF AN ACCESS EASEMENT, SAID EASEMENT DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 303, PAGE 741 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE RUN SOUTH 00 SECONDS 39 MINUTES 38 SECONDS EAST, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 303 PAGE 741 EASEMENT, FOR A DISTANCE OF 24.88 FEET TO THE POINT OF BEGINNING OF THIS UTILITIES EASEMENT DESCRIPTION; THENCE RUN NORTH 89 DEGREES 20 MINUTES 22 SECONDS EAST, FOR A DISTANCE OF 15.02 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 12.04 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 22 SECONDS WEST, FOR A DISTANCE OF 8.11 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 19 SECONDS WEST, FOR A DISTANCE OF 53.18 FEET TO A POINT; THENCE RUN SOUTH 01 DEGREES 39 MINUTES 48 SECONDS EAST, FOR A DISTANCE OF 38.83 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 19 MINUTES 20 SECONDS EAST, FOR A DISTANCE OF 35.16 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 01 SECONDS WEST, FOR A DISTANCE OF 27.89 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 16 MINUTES 48 SECONDS EAST, FOR A DISTANCE OF 49.21 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT OF WAY LINE OF A 60 FOOT WIDE COUNTY ROAD KNOWN AS OCEAN TRACE ROAD; THENCE RUN SOUTH 89 DEGREES 18 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF OCEAN TRACE ROAD, FOR A DISTANCE OF 2.00 FEET TO A POINT (SAID POINT LYING 3.56 FEET ON A BEARING OF NORTH 89 DEGREES 18 MINUTES 25 SECONDS EAST FROM THE

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SOUTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 303, PAGE 741 ACCESS EASEMENT); THENCE RUN NORTH 00 DEGREES 16 MINUTES 48 SECONDS WEST, FOR A DISTANCE OF 49.21 FEET TO A POINT THENCE RUN NORTH 00 DEGREES 30 MINUTES 01 SECONDS EAST, FOR A DISTANCE OF 27.89 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 19 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 35.16 FEET TO A POINT; THENCE RUN NORTH 01 DEGREES 39 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 38.83 FEET TO A POINT; THENCE NORTH 00 DEGREES 20 MINUTES 19 SECONDS EAST, FOR A DISTANCE OF 53.18 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 22 SECONDS WEST, FOR A DISTANCE OF 4.91 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 303 PAGE 741 ACCESS EASEMENT; THENCE RUN NORTH 00 DEGREES 39 MINUTES 38 SECONDS WEST, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 303, PAGE 741 ACCESS EASEMENT FOR A DISTANCE OF 12.04 FEET TO THE POINT OF BEGINNING.

CONTAINING .01 ACRES, MORE OF LESS.

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St. Johns County Board of County Commissioners

Utility Department

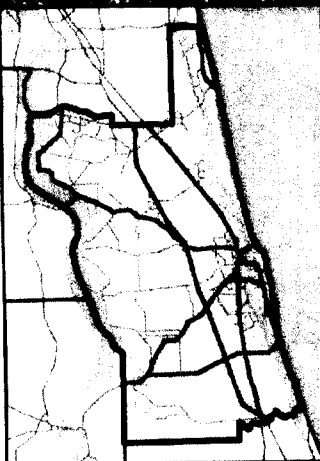
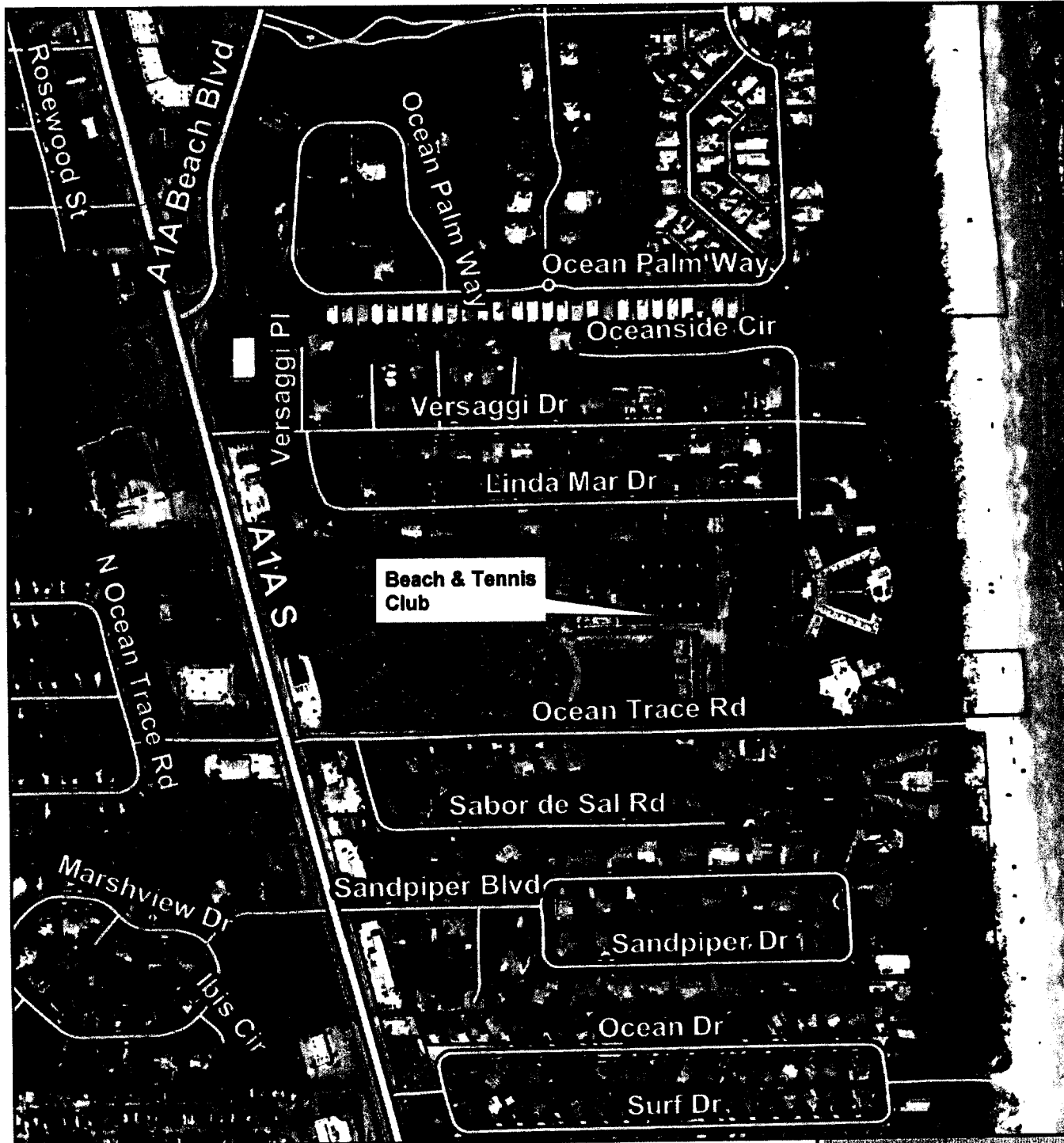
INTEROFFICE MEMORANDUM

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Karri Thomas, Asset Management Tech
SUBJECT: St. Augustine Beach & Tennis Club
DATE: March 28, 2012

Please present the Amended Easement to the Board of County Commissioners (BCC) for the St. Augustine Beach & Tennis Club.

After acceptance by BCC, please provide the Utility Department with a copy of the executed resolution and a recorded copy for the Easement for our files.

Your support and cooperation as always are greatly appreciated.



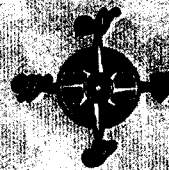
**Amended Easement for Utilities
St. Augustine Beach and
Tennis Club**



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
March 28, 2012
(904) 209-0788



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