

RESOLUTION NO. 2012- 137

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR USE OF SUBMERGED LAND AND RIPARIAN RIGHTS FOR THE PROPOSED VILANO FLOATING DOCK CONNECTED TO THE VILANO PIER AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE EASEMENT.

RECITALS

WHEREAS, in 1996 the City of St. Augustine granted a perpetual Easement for the Vilano fishing pier as owner of the submerged lands beneath the pier. There is a proposed floating dock that will be attached to the pier therefore an additional easement is needed from the City of St. Augustine, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, for the area that the floating dock will be located on the submerged land owned by the City of St. Augustine; and

WHEREAS, the floating dock will be located in front of St. Augustine Marina and the owner of the Marina will join in and execute the Easement to allow use of their riparian rights; and

WHEREAS, a portion of the floating dock will be placed over an existing Florida Power & Light Easement ("FPL") therefore FPL has presented a letter agreeing to the location of the dock, attached hereto as Exhibit "B," incorporated by reference and made a part hereof; and

WHEREAS, to the extent that there are typographical, scriveners 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:

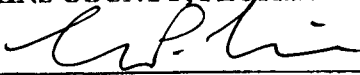
Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The above described Easement attached and incorporated hereto, is hereby accepted by the Board of County Commissioners and the County Administrator, or designee, is authorized to execute the Easement.

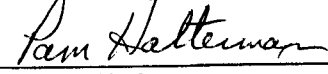
Section 3. The Clerk of the Circuit Court is instructed to record the original Easement in the Public Records of St. Johns County, Florida.

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

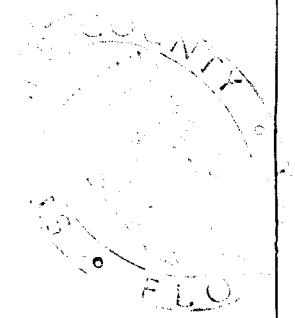


EXHIBIT "A" TO RESOLUTION

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

**PERPETUAL EASEMENT
FLOATING DOCK AND COVENANT**

THIS INDENTURE, made this _____ day of _____, 2012, between **CITY OF ST. AUGUSTINE**, a municipality of the State of Florida, whose address is P.O. Box 210, St. Augustine, Florida 32085-0210, hereinafter called **GRANTOR** as to submerged land, and **MARILYN SMALL BEACH**, whose address is 5 Hope Street, St. Augustine, Florida 32084, hereinafter called **GRANTOR** as to holder of riparian rights, 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 Grantors, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them, in hand paid by Grantee, the receipt of which hereby acknowledged, has granted, bargained, sold and conveyed to the Grantee, its successors and assigns, a perpetual easement for the purpose of constructing, improving, operating and/or maintaining a public floating dock, in, over under and through the following described land situate in St. Johns County, Florida to wit:

Property as described on attached **EXHIBIT "A,"** incorporated by reference and made a part hereof.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns forever provided, however, that in the event of the construction, improvement, operation and maintenance of a public floating dock upon the above described properties and upon Grantee's subsequent abandonment of the above public floating dock and failure to maintain such floating dock for a period of three continuous years the easement herein given shall terminate. Furthermore, Grantee in accepting this easement covenants to take action upon termination of this easement to cause the removal of all portions of said floating dock above ground level and above the river bottom at the time of removal, subject to the limitation that no such obligation shall be enforced by requirement of payment of county ad valorem tax revenue funds.

St. Johns County acknowledges that Grantor of riparian rights, her successors and/or assigns, shall be allowed to relocate the floating dock, at no expense to St. Johns County or the City of St. Augustine, at any time, should the need arise. It is further acknowledged that any proposed relocation of the floating dock shall be submitted in writing to St. Johns County and the City of St. Augustine for approval of the proposed location and then submit a schedule for the move. Grantor of riparian rights acknowledges that they must amend the legal description of the easement for the new location.

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

CITY OF ST. AUGUSTINE

ATTEST:

City Clerk

By: _____
Joe Boles, Jr., Mayor

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Joe Boles, Mayor who is personally known to me.

Notary Public

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CITY ATTORNEY

Signed and Sealed in Our

Presence as Witnesses:

Signature

Marilyn Small Beach

Print

Signature

Print

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____,
2012, by Marilyn Small Beach, who is personally known to me or has produced _____
as identification.

Notary Public

My Commission Expires: _____

**Signed and Sealed in Our
Presence as Witnesses:**

ST. JOHNS COUNTY

Signature

Michael D. Wanchick
County Administrator

Print

Signature

Print

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

COUNTY ATTORNEY

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ___ day of _____,
2012, by Michael D. Wanchick, County Administrator, who is personally known to me

Notary Public

My Commission Expires: _____

Exhibit "A" to Easement

VILANO PIER PROPOSED EASEMENT

A PARCEL OF SUBMERGED LANDS OF THE INTRACOASTAL WATERWAY (NORTH RIVER), LYING IN TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA. ALSO BEING A PART OF THE LANDS AS DESCRIBED IN THE CHARTER OF THE CITY OF ST. AUGUSTINE FLORIDA PASSED IN THE 1925 SESSION OF THE LEGISLATURE, SAID PARCEL OF SUBMERGED LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF ANAHMA DRIVE, AS NOW ESTABLISHED AS A 80 FOOT RIGHT OF WAY, WITH THE SOUTHERLY RIGHT OF WAY LINE OF VILANO ROAD, AS NOW ESTABLISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78030, DATED DECEMBER 19, 1995; THENCE SOUTH 88°49'00" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 200.00 FEET; THENCE SOUTH 89°13'18" WEST, ALONG THE SOUTH LINE OF THE RESOLUTION 96-152 FOR THE PERPETUAL EASEMENT RECORDED IN OFFICIAL RECORDS 1196, PAGE 411, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 389.46 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 192.52 FEET; THENCE NORTH 90°00'00" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 191.97 FEET TO THE AFORESAID SOUTH LINE; THENCE NORTH 89°13'18" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,690 SQUARE FEET, MORE OR LESS.

Exhibit "B" to Resolution

Florida Power & Light Company, 303 Hastings Rd, St Augustine, FL 32082



March 30, 2010

Phyllis Thorpe
Project Manager
St Johns County
2740 Industry Center Drive
St Augustine, FL 32084

Re: Floating Dock Agreement
Floating Dock above FPL UE on South Side of Vilano Pier
Phyllis:

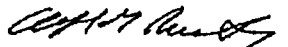
Thank you for contacting FPL about a floating dock installation in the utility easement crossing the Intracoastal Waterway in Vilano. FPL has no objection to this floating dock installation and recommends easily removable floating dock sections at the access area(s). If access to the easement is necessary for any utility work, St Johns County is responsible for the removal and re-installation of the dock.

Prior to any digging you must contact Sunshine State One Call of Florida. Contact them either by telephone toll free at 1-800-432-4770 or by e-mail at www.callsunshine.com, forty-eight hours in advance of construction. Sunshine State One Call of Florida will schedule a locator to perform the necessary locates for you at no cost.

Please countersign this letter as St Johns County's acceptance of this agreement.

If I can be of any further assistance, please contact me at (904) 824-7630.

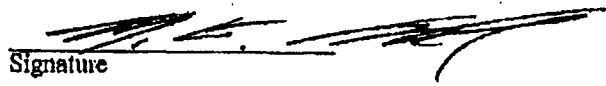
Sincerely,



Alfred G. Russillo, Jr.
FPL
Manager, Major Accounts

Acceptance for St Johns County

Michael D. Wanchick
County Administrator

 (Print Name)


Signature

LEGALLY SUFFICIENT

Date 4/10/10

