

RESOLUTION NO. 2012- 27

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR SEWER SERVICE TO SERVE PORTOFINO AT THE VILLAGES OF TUSCANY AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE SEWER SYSTEM.**

**RECITALS**

**WHEREAS**, Deltona Corporation, a Florida corporation, 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 sewer service to serve Portofino at the Villages of Tuscany; and

**WHEREAS**, Deltona Corporation, has also executed a Bill of Sale and provided a schedule of values conveying all personal property associated with the sewer system which is 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 scrivener, 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 7<sup>th</sup> day of February, 2012.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

By: Mark P. Miner  
Mark P. Miner, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Watterman  
Deputy Clerk

RENDITION DATE 2/13/12



**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 3rd day of January, 2012 by **THE DELTONA CORPORATION**, a Delaware corporation, authorized to do business in the State of Florida, with an address of 8014 SW 135<sup>th</sup> Street Road, Ocala Florida 34473-6807, 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 lift station & sewer force mains 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 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. This easement is for 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 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) PUMP STATION & SEWER FORCE MAINS - Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains 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.

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:

*Monica Cook*  
Witness

*Monica Cook*  
Print Name

*Dianna Bondley*  
Witness

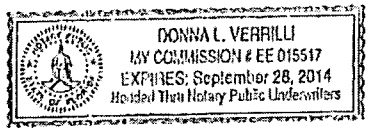
*Dianna Bondley*  
Print Name

*[Signature]*  
By: Sharon Hummerhielm  
Its: Executive Vice President

State of Florida  
County of Miami Dade

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of January, 2012, by Sharon Hummerhielm who is personally known to me or has produced \_\_\_\_\_ as identification.

*[Signature]*  
Notary Public





# MAP SHOWING SKETCH & DESCRIPTION OF PORTOFINO AT THE VILLAGES OF TUSCANY CONDOMINIUM

CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA

SEE SHEET 2 OF 2  
FOR SKETCH

### 20' x 40' EASEMENT

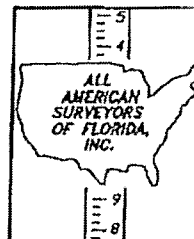
A PARCEL OF LAND LYING IN AND BEING A PART OF TRACT "S" OF THE REPLAT OF ST. AUGUSTINE SHORES UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 13, PAGES 114 THROUGH 124, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWESTERLY CORNER OF SAID TRACT "S", SAID POINT ALSO BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DOMENICO CIRCLE (AN 80 FOOT RIGHT-OF-WAY), AS SHOWN ON SAID REPLAT OF ST. AUGUSTINE SHORES UNIT TWO; THENCE, ALONG SAID RIGHT-OF-WAY LINE, SOUTH 50° 16' 25" EAST, A DISTANCE OF 185.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, DEPARTING SAID RIGHT OF WAY LINE OF DOMENICO CIRCLE, THROUGH A CENTRAL ANGLE OF 83°00'09" AN ARC DISTANCE OF 72.43 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 688.75 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 08°46'20" EAST, 66.26 FEET; THENCE ALONG THE ARC OF SAID CURVE, AND ALONG THE WESTERLY RIGHT OF WAY LINE OF SHORES BOULEVARD, THROUGH A CENTRAL ANGLE OF 07°11'39" AN ARC DISTANCE OF 86.48 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 950.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 29°07'55" WEST, 86.42 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°23'27" AN ARC DISTANCE OF 520.48 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41°13'49" WEST, 513.99 FEET; FROM THE POINT OF BEGINNING, THENCE CONTINUE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°24'45" AN ARC DISTANCE OF 40.00 FEET TO A POINT ON SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 58°07'55" WEST, 40.00 FEET; THENCE NORTH 31°52'02" WEST, DEPARTING SAID RIGHT OF WAY LINE OF SHORES BOULEVARD, A DISTANCE OF 25.00 FEET TO THE POINT; THENCE NORTH 58° 07' 58" EAST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 31° 52' 02" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

THE LANDS THUS DESCRIBED CONTAIN 800 SQUARE FEET, MORE OR LESS.

CERTIFIED TO: ST. JOHNS COUNTY

SHEET 1 OF 2



**ALL AMERICAN SURVEYORS OF FLORIDA, INC.**

LAND SURVEYORS - 6820 SOUTHPOINT PARKWAY, SUITE 1 - JACKSONVILLE, FLORIDA 32218 - 904/770-0068 - LICENSED LAND BUSINESS NO. 3657

P.B. X

DR. BY 1

DR. P. 2008

FILE 06-200

ORDER NO. 06-200-EASE



**BILL OF SALE**  
**UTILITY IMPROVEMENTS**  
**for**

**Portofino Lift Station**

Deltona Corporation, Inc 49 Shores Blvd. St. Augustine FL 32086, (the "Seller") for and in consideration of the sum of Sixty One Thousand Two Hundred Fifty Six and 36/100 Dollars (\$61,256.31) 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:

Exhibit "A" attached hereto

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 25 of 01, 2011.

WITNESS:

Margaret Ducharme  
Witness Signature

MARGARET DUCHARME  
Print Witness Name

OWNER:

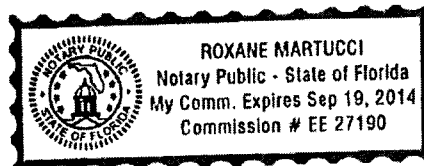
Karen Palmer  
Owner's Signature

Karen Palmer Authorized Agent  
Deltona Corporation

State of Florida  
County of St. John

The foregoing instrument was acknowledged before me this 25 day of January, 2011, by Karen Palmer who is personally known to me or has produced \_\_\_\_\_ as identification.

Roxane Martucci  
Notary Public

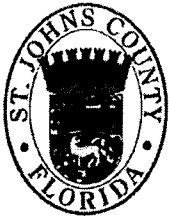




**St. Johns County Utility Department**  
 Asset Management  
 Schedule of Values

Project Name: Portofino at the Villages of Tuscany Lift station  
 Contractor: United Brothers  
 Developer: The Deltona Corporation

	UNIT	QUANTITY	UNIT COST	TOTAL COST
<b>Force Mains (Size, Type &amp; Pipe Class)</b>				
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
<b>Sewer Valves (Size and Type)</b>				
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
<b>Gravity Mains (Size, Type &amp; Pipe Class)</b>				
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
<b>Laterals (Size and Type)</b>				
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
<b>Manholes (Size and Type)</b>				
4-6 foot deep	EA		\$ -	\$ -
6-8 foot deep	EA		\$ -	\$ -
8-10 foot deep	EA		\$ -	\$ -
10-12 foot deep	EA		\$ -	\$ -
> 12 foot deep	EA		\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
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			\$ -	\$ -
			\$ -	\$ -
<b>Lift Station</b>				
Mechanical Equipment	Lump Sum	1	\$ 25,000.00	\$ 25,000.00
Process Piping	Lump Sum	1	\$ 15,000.00	\$ 15,000.00
Process Structure	Lump Sum		\$ -	\$ -
Process Electrical Equipment	Lump Sum	1	\$ 19,006.36	\$ 19,006.36
Other Improvements	Lump Sum	1	\$ 2,250.00	\$ 2,250.00
<b>Total Sewer System Cost</b>				<b>\$ 61,256.36</b>



**St. Johns County Board of County Commissioners**

Utility Department

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**INTEROFFICE MEMORANDUM**

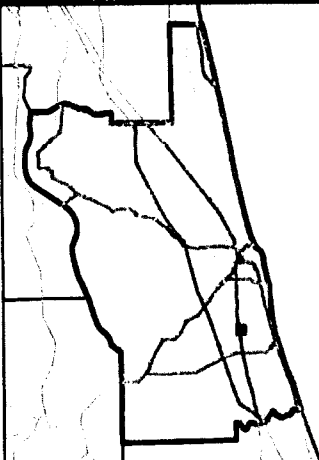
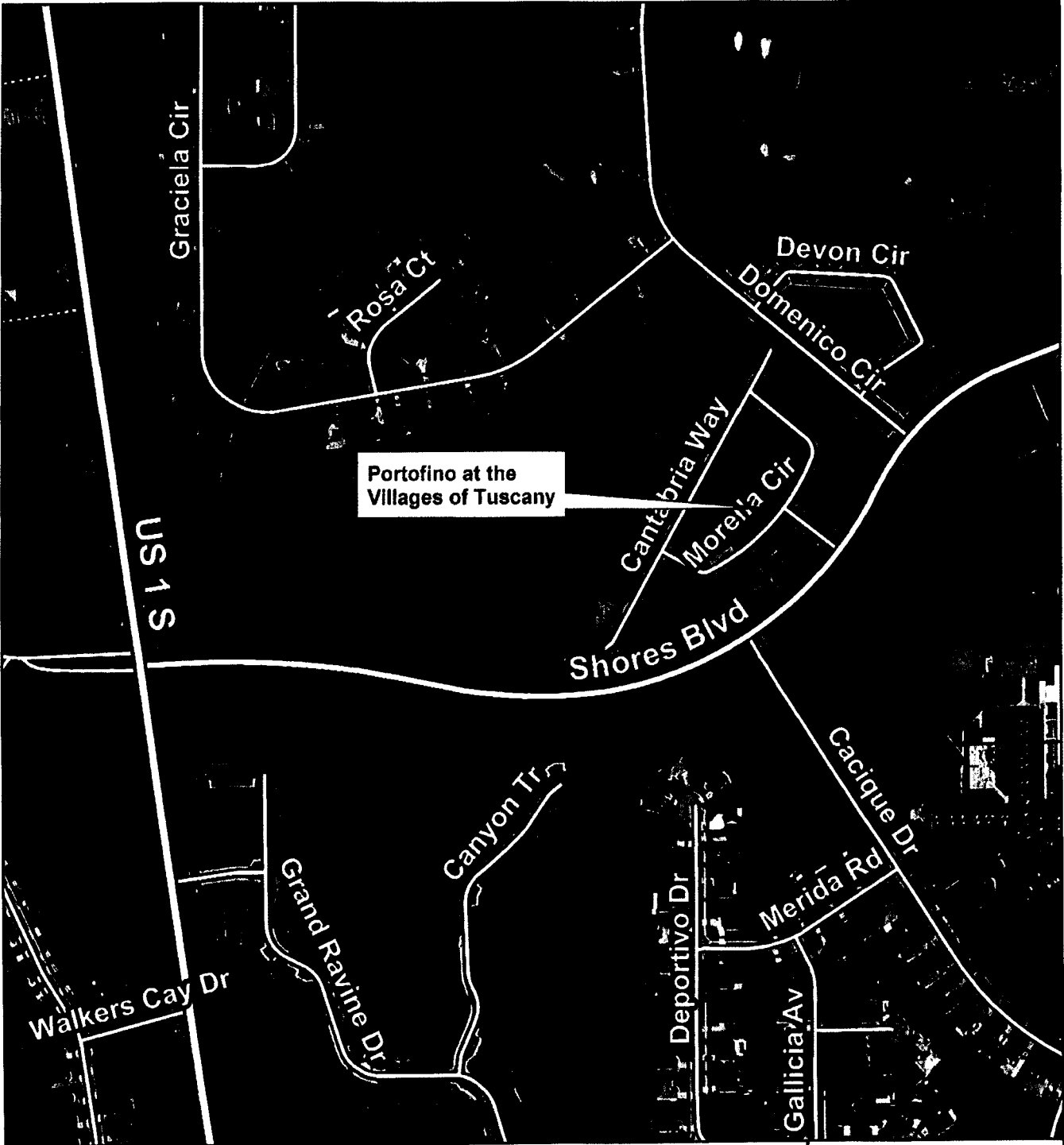
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TO: Nanette Bradbury, Real Estate Coordinator  
FROM: Melissa Caraway, Utility Review Coordinator  
SUBJECT: Portofino Villages of Tuscany  
DATE: December 27, 2011

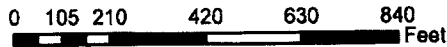
Please present the Easement, Bill of Sale, and Schedule of Values to the Board of County Commissioners (BCC) for final approval and acceptance of Portofino Villages of Tuscany.

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.



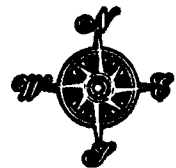
**Easement for Utilities  
Portofino at the Villages  
of Tuscany**



St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
January 4, 2012  
(904) 209-0788



**2008 Aerial Imagery**

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