

RESOLUTION NO. 2012- 278

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A CONSERVATION EASEMENT REQUIRED FOR AN UPLAND BUFFER THAT SURROUNDS A PORTION OF THE NORTHWEST WASTEWATER TREATMENT PLANT AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE CONSERVATION EASEMENT ON BEHALF OF THE COUNTY.

RECITALS

WHEREAS, per the terms of the St. Johns River Water Management District permit for the Northwest Wastewater Treatment Plant property St. Johns County is required to provide an upland buffer; and

WHEREAS, the Conservation Easement attached hereto as Exhibit "A," incorporated by reference and made a part hereof will provide an upland buffer surrounding a portion of the plant that is a total of 2.38 acre; and

WHEREAS, it is in the best interest of the County to grant the Conservation Easement, in order to comply with the St. Johns River Water Management District requirements.

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

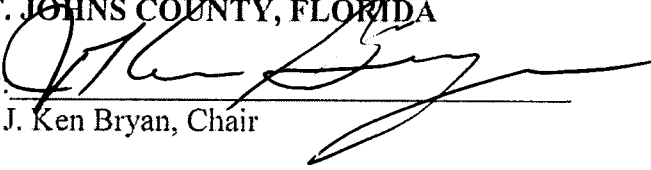
Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Board Chair is hereby authorized to execute the Conservation Easement and the conditions are hereby accepted by the Board of County Commissioners.

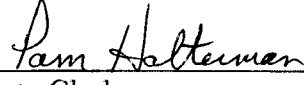
Section 3. To the extent that there are typographical, scrivener or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED this 2nd day of October, 2012.

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

By: 
J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 10/4/12

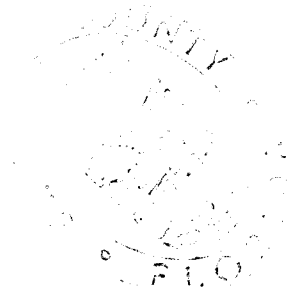


Exhibit "A" to Resolution

Prepared by:
Nanette Bradbury
Real Estate Coordinator
500 San Sebastian View
St. Augustine, FL 32084

Return recorded original to:
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka, FL. 32177

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this ____ day of _____, 2012, by **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, having an address at 500 San Sebastian View, St. Augustine, Florida 32084 ("Grantor") in favor of the **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**, a public body existing under Chapter 373, Florida Statutes, having a mailing address at 4049 Reid Street, Palatka, Florida 32177 ("Grantee").

WITNESSETH:

WHEREAS, Grantor solely owns, in fee simple, certain real property in St. Johns County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated by this reference, ("the Property"); and

WHEREAS, Grantor grants this conservation easement as a condition of permit # 40-109-99446-7, issued by Grantee, to off-set indirect impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, Grantor desires to preserve the Property in its natural condition in perpetuity.

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of Section 704.06, Florida Statutes, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons whomsoever.

I. Purpose: The purpose of this Conservation Easement is to assure that the Property will be retained forever in its existing natural condition and to prevent any use of the Property that will impair or interfere with the environmental value of the Property.

2. Prohibited Uses: Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

- a) Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.
- b) Dumping or placing soil or other substance or material as landfill or dumping or placing trash, waste or unsightly or offensive materials.
- c) Removing or destroying trees, shrubs, or other vegetation.
- d) Excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface.
- e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.
- f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- g) Acts or uses detrimental to such retention of land or water areas.
- h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

3. Reserved Rights: Grantor reserves unto itself, and its successors and assigns all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property, that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement.

4. Rights of Grantee: To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:

- a) To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement.
- b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with this Conservation Easement.

5. Grantee's Discretion: Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

6. Grantee's Liability: To the extent allowed by Florida Law, Grantor will assume all liability for any injury or damage to the person or property of third parties which may

occur on the Property arising from Grantor's ownership of the Property. Neither Grantors, nor any person or entity claiming by or through Grantors, shall hold Grantee liable for any damage or injury to person or personal property, which may occur on the Property.

7. Acts Beyond Grantor's Control: Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Property or to persons resulting from such causes.

8. Recordation: Grantor shall record this Conservation Easement in timely fashion in the Official Records of St. Johns County, Florida, and shall record it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

9. Successors: The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year first above written.

ST. JOHNS COUNTY, a political subdivision of the State of Florida, by its Board of County Commissioners

By: _____
J. Ken Bryan
Chair

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

Print Name

Exhibit "A" to Conservation Easement

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LEGAL DESCRIPTION: CONSERVATION EASEMENT:

A PARCEL OF LAND LYING IN AND BEING PART OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2874, PAGE 1010, EXHIBIT "A", OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF TRACT 6 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 72°44'58" WEST, ALONG THE NORTHEASTERLY LINE THEREOF AND THE SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2874, PAGE 1010, EXHIBIT "A", OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 29.05 FEET; THENCE NORTH 14°15'03" WEST, A DISTANCE OF 59.62 FEET; THENCE NORTH 58°14'29" WEST, A DISTANCE OF 39.95 FEET; THENCE NORTH 62°19'39" WEST, A DISTANCE OF 35.90 FEET; THENCE NORTH 19°19'31" EAST A DISTANCE OF 34.30 FEET; THENCE NORTH 45°31'46" WEST, A DISTANCE OF 22.79 FEET; THENCE NORTH 02°37'39" WEST, A DISTANCE OF 46.39 FEET; THENCE SOUTH 83°21'28" WEST, A DISTANCE OF 31.52 FEET; THENCE NORTH 27°13'24" WEST, A DISTANCE OF 41.67 FEET; THENCE NORTH 74°25'59" WEST, A DISTANCE OF 67.85 FEET; THENCE SOUTH 89°06'02" WEST, A DISTANCE OF 77.04 FEET; THENCE SOUTH 66°41'34" WEST, A DISTANCE OF 32.16 FEET; THENCE SOUTH 43°23'58" WEST A DISTANCE OF 35.12 FEET; THENCE SOUTH 00°21'13" WEST, A DISTANCE OF 34.28 FEET; THENCE SOUTH 29°07'09" WEST, A DISTANCE OF 22.86 FEET; THENCE SOUTH 11°08'11" WEST, A DISTANCE OF 39.26 FEET TO THE NORTHEASTERLY LINE OF TRACT 6 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 72°44'58" WEST ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 25.14 FEET; THENCE NORTH 11°08'11" EAST, DEPARTING SAID NORTHEASTERLY LINE, A DISTANCE OF 40.54 FEET; THENCE NORTH 29°07'09" EAST, A DISTANCE OF 20.40 FEET; THENCE NORTH 00°21'09" EAST, A DISTANCE OF 37.72 FEET; THENCE NORTH 43°23'40" EAST, A DISTANCE OF 50.14 FEET; THENCE NORTH 66°41'42" EAST, A DISTANCE OF 42.25 FEET; THENCE NORTH 89°05'50" EAST, A DISTANCE OF 85.61 FEET; THENCE SOUTH 74°25'57" EAST, A DISTANCE OF 82.39 FEET; THENCE SOUTH 27°13'30" EAST, A DISTANCE OF 35.28 FEET; THENCE NORTH 83°21'28" EAST, A DISTANCE OF 41.02 FEET; THENCE SOUTH 02°37'39" EAST, A DISTANCE OF 63.38 FEET; THENCE SOUTH 45°31'36" EAST, A DISTANCE OF 28.85 FEET; THENCE SOUTH 19°19'20" WEST, A DISTANCE OF 28.58 FEET; THENCE SOUTH 62°19'39" EAST, A DISTANCE OF 15.19 FEET; THENCE SOUTH 58°14'29" EAST, A DISTANCE OF 44.48 FEET; THENCE NORTH 27°46'22" EAST, A DISTANCE OF 30.05 FEET; THENCE NORTH 17°03'21" EAST, A DISTANCE OF 30.92 FEET; THENCE NORTH 13°16'13" WEST, A DISTANCE OF 46.06 FEET; THENCE NORTH 06°59'42" EAST, A DISTANCE OF 54.06 FEET; THENCE NORTH 32°39'28" EAST, A DISTANCE OF 45.40 FEET; THENCE NORTH 22°54'36" WEST, A DISTANCE OF 73.56 FEET; THENCE NORTH 22°07'02" EAST, A DISTANCE OF 72.60 FEET; NORTH 16°04'34" EAST, A DISTANCE OF 53.80 FEET; THENCE NORTH 05°18'17" EAST, A DISTANCE OF 51.95 FEET; THENCE NORTH 55°50'09" EAST A DISTANCE OF 30.86 FEET; THENCE NORTH 01°20'50" EAST, A DISTANCE OF 40.47 FEET; THENCE NORTH 74°38'20" EAST, A DISTANCE OF 32.97 FEET; THENCE NORTH 77°30'15" WEST, A DISTANCE OF 171.91 FEET; THENCE NORTH 75°17'42" WEST, A DISTANCE OF 173.41 FEET; THENCE NORTH 73°06'35" WEST A DISTANCE OF 302.86 FEET; THENCE NORTH 16°53'21" EAST, A DISTANCE OF 94.14 FEET; THENCE SOUTH 68°49'59" WEST, A DISTANCE OF 32.52 FEET; THENCE NORTH 34°19'14" WEST, A DISTANCE OF 86.60 FEET; THENCE NORTH 55°31'02" WEST, A DISTANCE OF 83.09 FEET; THENCE NORTH 78°47'40" WEST, A DISTANCE OF 33.27 FEET; THENCE NORTH 15°41'45" WEST, A DISTANCE OF 238.50 FEET; THENCE NORTH 13°58'27" WEST, A DISTANCE OF 101.64 FEET; THENCE NORTH 03°52'59" EAST, A DISTANCE OF 31.45 FEET; THENCE NORTH 18°40'25" EAST, A DISTANCE OF 45.36 FEET; THENCE NORTH 41°41'48" EAST, A DISTANCE OF 38.24 FEET; THENCE NORTH 26°56'20" EAST, A DISTANCE OF 48.34 FEET; THENCE NORTH 05°08'34" EAST, A DISTANCE OF 26.47 FEET; THENCE NORTH 41°25'19" WEST, A DISTANCE OF 18.55 FEET; THENCE NORTH 29°25'04" WEST, A DISTANCE OF 13.72 FEET; THENCE SOUTH 84°46'50" WEST, A DISTANCE OF 43.29 FEET; THENCE NORTH 06°39'10" EAST, A DISTANCE OF 17.59 FEET; THENCE SOUTH 70°10'48" WEST, A DISTANCE OF 22.88 FEET; THENCE NORTH 77°09'05" WEST, A DISTANCE OF 39.06 FEET; THENCE NORTH 14°36'38" WEST, A DISTANCE OF 3.76 FEET; THENCE SOUTH 85°43'10" WEST, A DISTANCE OF 20.50 FEET; THENCE SOUTH 59°47'38" WEST, A DISTANCE OF 21.09 FEET; THENCE SOUTH 02°21'55" WEST, A DISTANCE OF 10.94 FEET; THENCE SOUTH 20°42'45" EAST, A DISTANCE OF 21.41 FEET; THENCE SOUTH 45°57'42" EAST A DISTANCE OF 70.24 FEET; THENCE SOUTH 38°45'45" WEST, A DISTANCE OF 55.59 FEET; THENCE SOUTH 15°57'18" WEST, A DISTANCE OF 74.82 FEET; THENCE SOUTH 81°49'49" WEST A DISTANCE OF

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64.25 FEET; THENCE SOUTH 88°31'11" WEST A DISTANCE OF 39.32 FEET; THENCE SOUTH 64°45'58" WEST, A DISTANCE OF 98.92 FEET; THENCE SOUTH 58°57'35" WEST, A DISTANCE OF 84.37 FEET; THENCE NORTH 80°17'59" WEST, A DISTANCE OF 60.23 FEET; THENCE NORTH 75°05'00" WEST, A DISTANCE OF 90.81 FEET; THENCE SOUTH 74°12'55" WEST, A DISTANCE OF 27.13 FEET; THENCE SOUTH 60°28'20" WEST, A DISTANCE OF 67.33 FEET; THENCE SOUTH 66°55'20" WEST, A DISTANCE OF 73.01 FEET; THENCE SOUTH 69°31'34" WEST, A DISTANCE OF 84.28 FEET; THENCE SOUTH 80°03'31" WEST, A DISTANCE OF 77.84 FEET TO THE WESTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2874, PAGE 1010, EXHIBIT "A", OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, FLORIDA; THENCE NORTH 06°25'01" EAST, ALONG SAID WESTERLY LINE OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 26.05 FEET; THENCE NORTH 80°30'47" EAST, A DISTANCE OF 22.61 FEET; THENCE NORTH 79°50'02" EAST, A DISTANCE OF 45.59 FEET; THENCE NORTH 69°31'33" EAST, A DISTANCE OF 81.42 FEET; THENCE NORTH 66°55'14" EAST, A DISTANCE OF 71.02 FEET; THENCE NORTH 60°28'20" EAST, A DISTANCE OF 68.94 FEET; THENCE NORTH 74°12'58" EAST, A DISTANCE OF 37.00 FEET; THENCE SOUTH 75°05'01" EAST, A DISTANCE OF 96.53 FEET; THENCE SOUTH 80°17'56" EAST A DISTANCE OF 49.82 FEET; THENCE NORTH 58°57'35" EAST, A DISTANCE OF 76.36 FEET; THENCE NORTH 64°45'58" EAST, A DISTANCE OF 105.44 FEET; THENCE NORTH 88°31'06" EAST, A DISTANCE OF 43.11 FEET; THENCE NORTH 81°49'56" EAST, A DISTANCE OF 46.59 FEET; THENCE NORTH 15°57'18" EAST, A DISTANCE OF 63.66 FEET; THENCE NORTH 38°45'45" EAST, A DISTANCE OF 37.84 FEET; THENCE NORTH 45°57'42" WEST, A DISTANCE OF 53.04 FEET; THENCE NORTH 20°42'45" WEST, A DISTANCE OF 32.11 FEET; THENCE NORTH 02°21'55" EAST, A DISTANCE OF 29.74 FEET; THENCE NORTH 59°47'38" EAST, A DISTANCE OF 40.54 FEET; THENCE NORTH 85°42'47" EAST, A DISTANCE OF 16.44 FEET; THENCE NORTH 13°42'16" WEST, A DISTANCE OF 38.14 FEET; THENCE NORTH 65°57'47" EAST, A DISTANCE OF 29.97 FEET; THENCE SOUTH 14°36'39" EAST, A DISTANCE OF 57.98 FEET; THENCE SOUTH 77°09'12" EAST, A DISTANCE OF 16.55 FEET; THENCE NORTH 70°10'48" EAST, A DISTANCE OF 30.01 FEET; THENCE NORTH 20°26'09" EAST, A DISTANCE OF 21.27 FEET; THENCE NORTH 82°55'20" EAST, A DISTANCE OF 18.67 FEET; THENCE SOUTH 06°39'09" WEST, A DISTANCE OF 40.70 FEET; THENCE NORTH 84°46'50" EAST, A DISTANCE OF 28.66 FEET; THENCE SOUTH 29°25'06" EAST, A DISTANCE OF 27.27 FEET; THENCE SOUTH 41°25'19" EAST, A DISTANCE OF 26.68 FEET; THENCE SOUTH 05°08'34" WEST, A DISTANCE OF 42.04 FEET; THENCE SOUTH 26°56'16" WEST, A DISTANCE OF 56.39 FEET; THENCE SOUTH 41°41'47" WEST, A DISTANCE OF 36.38 FEET; THENCE SOUTH 18°40'24" WEST, A DISTANCE OF 37.02 FEET; THENCE SOUTH 03°53'13" WEST, A DISTANCE OF 24.28 FEET; THENCE SOUTH 15°10'23" EAST, A DISTANCE OF 320.08 FEET; THENCE SOUTH 78°47'22" EAST, A DISTANCE OF 23.07 FEET; THENCE SOUTH 56°26'13" EAST, A DISTANCE OF 42.10 FEET; THENCE SOUTH 54°45'34" EAST, A DISTANCE OF 50.83 FEET; THENCE SOUTH 34°19'04" EAST, A DISTANCE OF 71.45 FEET; THENCE NORTH 68°49'59" EAST, A DISTANCE OF 34.68 FEET; THENCE SOUTH 29°14'02" EAST, A DISTANCE OF 43.27 FEET; THENCE SOUTH 57°45'50" WEST, A DISTANCE OF 12.36 FEET; THENCE SOUTH 16°53'12" WEST, A DISTANCE OF 63.04 FEET; THENCE SOUTH 73°06'32" EAST, A DISTANCE OF 277.38 FEET; THENCE SOUTH 75°17'42" EAST, A DISTANCE OF 172.45 FEET; THENCE SOUTH 77°30'21" EAST, A DISTANCE OF 190.24 FEET; THENCE SOUTH 77°29'51" EAST, A DISTANCE OF 48.39 FEET; THENCE SOUTH 15°32'53" WEST, A DISTANCE 40.28 FEET; THENCE NORTH 74°27'40" WEST, A DISTANCE OF 36.72 FEET; THENCE SOUTH 74°37'25" WEST, A DISTANCE OF 33.27 FEET; THENCE SOUTH 01°21'07" WEST, A DISTANCE OF 34.75 FEET; THENCE SOUTH 55°49'44" WEST, A DISTANCE OF 31.94 FEET; THENCE SOUTH 05°18'32" WEST, A DISTANCE 42.51 FEET; THENCE SOUTH 16°04'35" WEST, A DISTANCE OF 57.48 FEET; THENCE SOUTH 22°07'03" WEST, A DISTANCE OF 63.56 FEET; THENCE SOUTH 22°54'43" EAST, A DISTANCE OF 76.36 FEET; THENCE SOUTH 32°39'09" WEST, A DISTANCE OF 52.88 FEET; THENCE SOUTH 06°59'43" WEST, A DISTANCE OF 43.90 FEET; THENCE SOUTH 13°16'13" EAST, A DISTANCE OF 48.37 FEET; THENCE SOUTH 17°03'35" WEST, A DISTANCE OF 40.03 FEET; THENCE SOUTH 27°46'01" WEST, A DISTANCE OF 33.82 FEET; THENCE SOUTH 01°10'44" WEST, A DISTANCE OF 27.31 FEET; THENCE SOUTH 87°11'18" EAST, A DISTANCE OF 17.72 FEET; THENCE SOUTH 15°32'53" WEST, A DISTANCE OF 46.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 103,667 SQUARE FEET OR 2.38 ACRES MORE OR LESS.

