

RESOLUTION NO. 2013- 34

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO SERVE THE SAWGRASS FITNESS CENTER IN PONTE VEDRA.**

**RECITALS**

**WHEREAS**, Sawgrass Country Club, Inc., 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 water service to serve the Sawgrass Fitness Center; 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.

**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 attached and incorporated hereto, is 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.

Section 4. The Clerk of the Circuit Court is instructed to record the Easement for Utilities in the Public Records of St. Johns County, Florida.

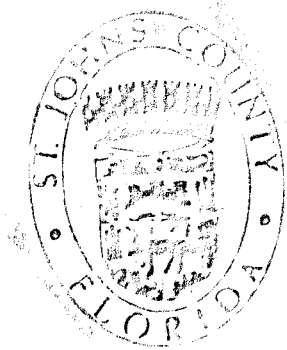
**PASSED AND ADOPTED** this 19<sup>th</sup> day of February, 2013.

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

By: [Signature]  
John H. Morris, Chair

**ATTEST:** Cheryl Strickland, Clerk

By: [Signature]  
Deputy Clerk



**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 27<sup>th</sup> day of September, 2010  
by BARRY McDONALD\* with an address of  
10034 Golf Club Drive, hereinafter called "Grantor" to  
ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida,  
whose address is 4020 Lewis Speedway, St. Augustine FL 32084, hereinafter called  
"Grantee". \*Sawgrass County Club, Inc.

**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 water meters over and upon the real property described on Exhibit A and B 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. This easement is for water and/or 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 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. (a) WATER SYSTEM - The Grantee shall maintain water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines located within the boundary of the Grantor's property excluding the water meters.

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:

Sawgrass County Club, Inc.

[Signature]  
Witness

By: [Signature]  
Its: [Signature]

Jessica LeClair  
Print Name

[Signature]  
Witness

Terry Grant  
Print Name

State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this 27 day of September, 2016 by Barry McDonald who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public

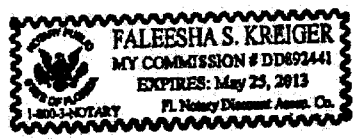
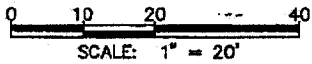
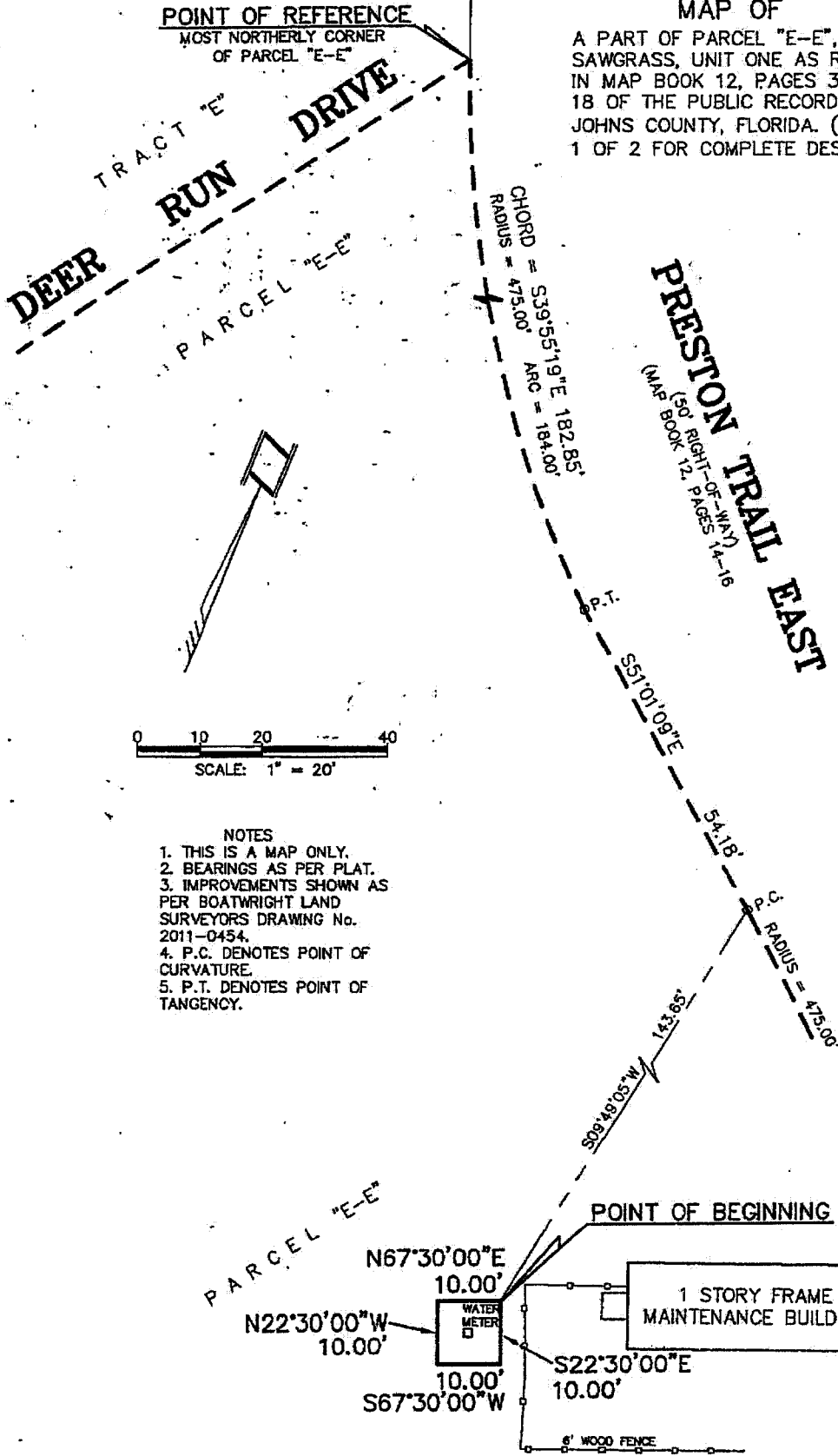


Exhibit "A" to Easement

MAP OF

A PART OF PARCEL "E-E",  
SAWGRASS, UNIT ONE AS RECORDED  
IN MAP BOOK 12, PAGES 3 THROUGH  
18 OF THE PUBLIC RECORDS OF ST.  
JOHNS COUNTY, FLORIDA. (SEE SHEET  
1 OF 2 FOR COMPLETE DESCRIPTION)



- NOTES
1. THIS IS A MAP ONLY.
  2. BEARINGS AS PER PLAT.
  3. IMPROVEMENTS SHOWN AS PER BOATWRIGHT LAND SURVEYORS DRAWING No. 2011-0454.
  4. P.C. DENOTES POINT OF CURVATURE.
  5. P.T. DENOTES POINT OF TANGENCY.

SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION  
AND SIGNATURE OF SURVEYOR

MAP OF

A PART OF PARCEL "E-E", SAWGRASS, UNIT ONE AS RECORDED IN MAP BOOK 12, PAGES 3 THROUGH 18 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE MOST NORTHERLY CORNER OF SAID PARCEL "E-E", SAID POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF PRESTON TRAIL EAST (A 50 FOOT PRIVATE RIGHT OF WAY, PARCEL "A" PER PLAT); THENCE SOUTHEASTERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 475.00 FEET, A DISTANCE OF 184.00 FEET, MAKING A CENTRAL ANGLE OF 22°11'41" AND HAVING A CHORD BEARING OF SOUTH 39°55'19" EAST AND A CHORD DISTANCE OF 182.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 51°01'19" EAST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 54.18 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 475.00 FEET; THENCE, DEPARTING FROM SAID WESTERLY RIGHT OF WAY LINE, SOUTH 09°49'05" WEST, A DISTANCE OF 143.65 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 22°30'00" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 67°30'00" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 22°30'00" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 67°30'00" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SEE SHEET 2 OF 2 FOR MAP TO ACCOMPANY  
THIS DESCRIPTION AND GENERAL NOTES.



DONN W. BOATWRIGHT, P.S.M.  
FLA. LIC. SURVEYOR AND MAPPER No. LS 3295  
FLA. LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CHECKED BY: \_\_\_\_\_  
DRAWN BY: SWC  
FILE # 2012-0613-A

BOATWRIGHT LAND SURVEYORS, INC.  
1500 ROBERTS DRIVE  
JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: AUGUST 7, 2012  
SHEET 1 OF 2

Exhibit "B" to Easement

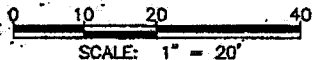
POINT OF REFERENCE  
MOST NORTHERLY CORNER  
OF PARCEL "E-E"

PRESTON TRAIL EAST  
(60' RIGHT-OF-WAY)  
(MAP BOOK 12, PAGES 14-16)

TRACT "E"

DEER RUN DRIVE

PARCEL "E-E"

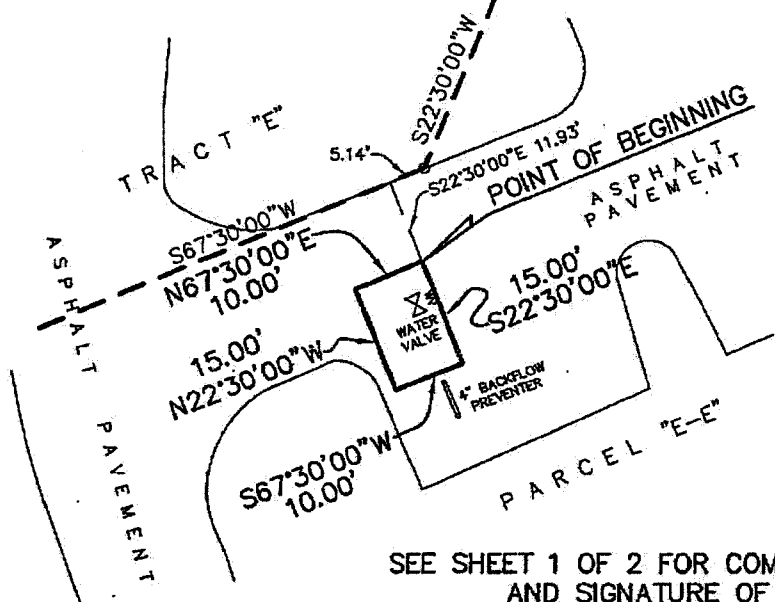


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3. IMPROVEMENTS SHOWN AS PER BOATWRIGHT LAND SURVEYORS DRAWING No. 2011-0454.



SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION  
AND SIGNATURE OF SURVEYOR

CHECKED BY: \_\_\_\_\_  
DRAWN BY: SWC  
FILE # 2012-0613-B

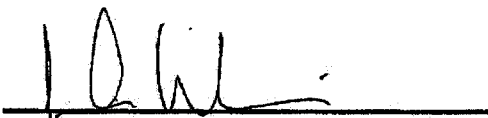
BOATWRIGHT LAND SURVEYORS, INC.  
1500 ROBERTS DRIVE  
JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: AUGUST 7, 2012  
SHEET 2 OF 2

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SEE SHEET 2 OF 2 FOR MAP TO ACCOMPANY  
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NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CHECKED BY: \_\_\_\_\_ BOATWRIGHT LAND SURVEYORS, INC. DATE: AUGUST 7, 2012  
DRAWN BY: SWC 1500 ROBERTS DRIVE  
FILE #: 2012-0813-B JACKSONVILLE BEACH, FLORIDA 241-8550 SHEET 1 OF 2



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

Utility Department

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**INTEROFFICE MEMORANDUM**

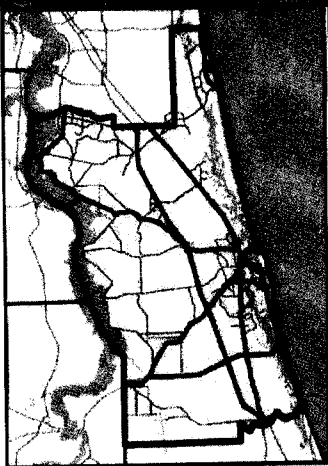
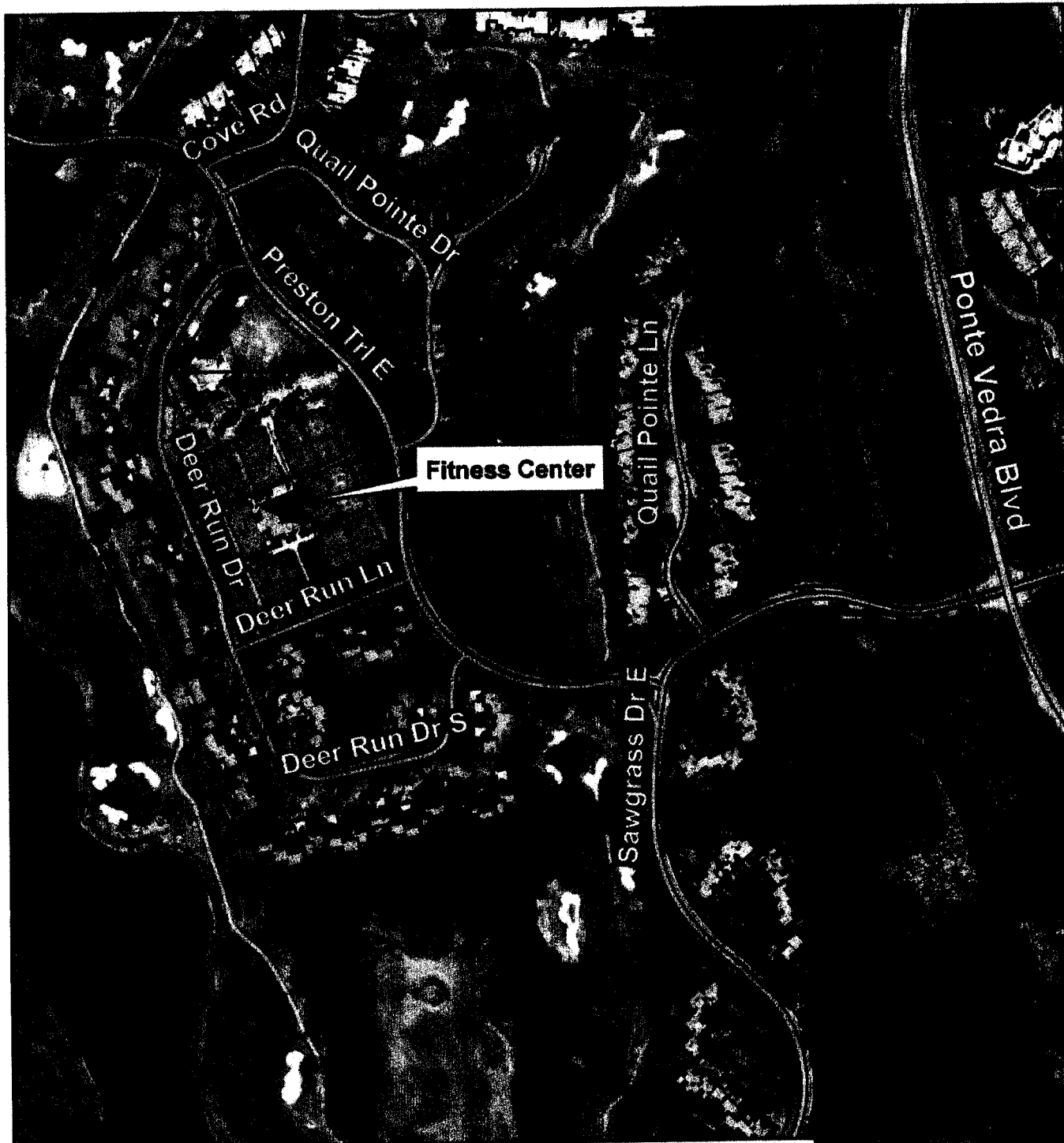
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**TO:** Nanette Bradbury, Real Estate Coordinator  
**FROM:** Melissa Caraway, Utility Review Coordinator  
**SUBJECT:** Sawgrass Fitness Center  
**DATE:** January 15, 2013

Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of Sawgrass Fitness Center.

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.



## Sawgrass Fitness Center Easement for Utilities

0 0.02 0.04 0.08 0.12 0.16 Miles

St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
January 16, 2013  
(904) 209-0788

