

RESOLUTION NO. 2014- 306

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A NON-EXCLUSIVE GRANT OF DRAINAGE EASEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A TERMINATION AND VACATION OF AN EASEMENT IN CONNECTION WITH THE SOUTHAVEN PUD LYING SOUTH OF INTERNATIONAL GOLF PARKWAY.

RECITALS

WHEREAS, St. Johns County (hereinafter "County") was granted an easement for drainage purposes, by instrument dated December 2, 1952 and recorded in Deed Book 200, page 581, across a 30 foot strip of land lying south of International Golf Parkway and now owned by Southaven Land Associates, LLC (hereinafter "Southaven"); and

WHEREAS, during the design phase of the Southaven PUD it was found that the drainage area does not lie within the described easement area mentioned above; and

WHEREAS, Southaven has offered to grant to the County a Non-Exclusive Grant of Drainage Easement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for drainage purposes and maintenance within the correct described location of the drainage area; and

WHEREAS, the County has agreed to execute the Termination and Vacation of an Easement, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, terminating the County's interest in the old easement as it is not needed for County purposes; and

WHEREAS, the St. Johns County Engineer has reviewed and approved the termination of the old easement and the new easement granted.

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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The above described Non-Exclusive Grant of Drainage Easement is hereby accepted and the County Administrator is hereby authorized to execute the Termination and Vacation of an Easement on behalf of the County.

Section 3. The Clerk is instructed to record the original Non-Exclusive Grant of Drainage Easement and Termination and Vacation of an Easement in the public records of St. Johns County, Florida.

Section 4. To the extent that there are scriveners, 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.

PASSED AND ADOPTED by the Board of County Commissioners this 4 day of November, 2014.

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

By: _____

John H. Morris, Chair

ATTEST: Cheryl Strickland, Clerk

By: _____

Pam Halteman
Deputy Clerk

RENDITION DATE 11/6/14



Exhibit "A" to Resolution

Prepared by:

Kathryn F. Whittington, Esq.
24 Cathedral Place, Ste. 600
St. Augustine, FL 32084

NON-EXCLUSIVE GRANT OF DRAINAGE EASEMENT

THIS INDENTURE, made this ____ day of _____, 2014, between **SOUTHAVEN LAND ASSOCIATES, LLC**, a Delaware limited liability company, whose address is 605 Palencia Club Drive, St. Augustine, Florida 32095, hereinafter called **GRANTOR**, 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 Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt of which is hereby acknowledged, has granted and conveyed to the Grantee, its successors and assigns, a permanent, non-exclusive ingress, egress, drainage and maintenance easement for drainage purposes in connection with the construction and maintenance of public roads or highways, said drainage to be over, through and across the following described land situate in St. Johns County, Florida to wit:

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

TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under or in lands, together with the right, easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

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

[THIS SPACE INTENTIONALLY LEFT BLANK]

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

Signed, sealed and delivered in the presence of:

Print Name: _____

Print Name: _____

SOUTHAVEN LAND ASSOCIATES LLC, a Delaware limited liability company

By: Hines Interests Limited Partnership, a Delaware limited liability partnership, its managing Member

By: Hines Holdings, Inc., a Texas corporation, Its general partner

By: _____
Name Printed: Michael T. Harrison
Title: Senior Managing Director

STATE OF _____ }
 }SS
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Michael T. Harrison, as Senior Managing Director of HINES HOLDINGS, INC., a Texas corporation, as the general partner of HINES INTERESTS LIMITED PARTNERSHIP, a Delaware limited liability partnership, the managing member of SOUTHAVEN LAND ASSOCIATES LLC, a Delaware limited liability company, on behalf of the company.

(Print Name _____)
NOTARY PUBLIC
State of _____ at Large
Commission #
My Commission Expires:
Personally Known
or Produced I.D.
[check one of the above]
Type of Identification Produced

Grant of Drainage Easement

MORTGAGEES JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, HERBERT E. ROSS a/k/a HERBERT EDWARD ROSS, individually, and HELEN DIANE ROSS a/k/a DIANE ROSS, individually, whose address is 4675 Wolfe Road, St. Augustine, Florida 32092 ("Mortgagees"), the owners and holders of a mortgage dated June 24, 2014, in the original principal amount of \$2,904,923.41, given by SOUTHAVEN LAND ASSOCIATES, LLC, a Delaware limited liability company, whose address is 605 Palencia Club Drive, St. Augustine, Florida 32095 ("Grantor") to Mortgagees encumbering the real property described on Exhibit "A" attached hereto ("Drainage Easement Area"), which is recorded in Official Records Book 3893 at Page 415 of the Public Records of St. Johns County, Florida (the "Mortgage"), hereby joins in, consents to and subordinates the lien of their Mortgage, as it has been, and as it may be, modified, amended and assigned from time to time, to the foregoing Drainage Easement, executed by Grantor in favor of ST. JOHNS COUNTY, FLORIDA applicable to the Drainage Easement, as said Drainage Easement may be modified, amended, and assigned from time to time, with the intent that the Mortgage shall be subject and subordinate to the Drainage Easement.

[THIS SPACE INTENTIONALLY LEFT BLANK]

Grant of Drainage Easement

IN WITNESS WHEREOF, this Mortgagees Joinder, Consent and Subordination is made
this _____ day of _____, 2014.

MORTGAGEES:

Witnesses:

Name: _____

**HERBERT E. ROSS a/k/a HERBERT
EDWARD ROSS**

Name: _____

STATE OF FLORIDA }
 }SS
COUNTY OF ST. JOHNS }

The foregoing instrument was acknowledged before me this ___ day of
_____, 2014 by Herbert E. Ross a/k/a Herbert Edward Ross.

_____))

(Print Name

NOTARY PUBLIC

State of _____ at

Large

Commission #

My Commission Expires:

_____ Personally Known _____ or Produced I.D.

[check one of the above]
Type of Identification Produced



ROBERT M. ANGAS ASSOCIATES, INC.

www.rmangas.com

tel 904-642-8550 • fax 904-642-4165

14775 Old St. Augustine Road • Jacksonville, Florida 32258

Revised October 7, 2014
 September 10, 2014
 Southaven

Work Order No. 14-155.00
 File No. 123E-34.00A

Drainage Easement No. 1

A portion of Section 13, Township 6 South, Range 28 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 3898, page 409 of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Southwesterly corner of Section 14, said Township and Range; thence North $89^{\circ}19'05''$ East, along the Southerly line of said Section 14 and along the Southerly line of said Section 13, a distance of 3146.00 feet to a point lying on the Easterly line of the West Half of the West Half of said Section 13; thence North $00^{\circ}10'32''$ East, departing said Southerly line and along said Easterly line, a distance of 4227.96 feet to the Point of Beginning.

From said Point of Beginning, thence North $75^{\circ}40'56''$ West, departing said Easterly line of the West Half of the West Half of said Section 13, a distance of 70.42 feet; thence South $40^{\circ}00'00''$ West, 17.21 feet; thence South $26^{\circ}56'17''$ West, 34.54 feet; thence Due South, 62.35 feet; thence Due West, 8.36 feet; thence South $02^{\circ}22'04''$ West, 39.74 feet; thence South $00^{\circ}09'54''$ West, 39.84 feet; thence South $01^{\circ}04'14''$ East, 38.28 feet; thence South $01^{\circ}50'05''$ East, 71.58 feet; thence South $82^{\circ}15'45''$ West, 31.06 feet; thence North $01^{\circ}53'28''$ East, 104.44 feet; thence Due West, 55.56 feet; thence Due North, 161.56 feet; thence North $40^{\circ}00'00''$ East, 142.66 feet to the point of curvature of a curve concave Westerly having a radius of 131.00 feet; thence Northerly along the arc of said curve, through a central angle of $40^{\circ}09'55''$, an arc length of 91.83 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $19^{\circ}55'02''$ East, 89.96 feet; thence North $00^{\circ}09'55''$ West, 679.58 feet to the point of curvature of a curve concave Westerly having a radius of 100.00 feet; thence Northerly along the arc of said curve, through a central angle of $29^{\circ}50'05''$, an arc length of 52.07 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $15^{\circ}04'58''$ West, 51.49 feet; thence North $30^{\circ}00'00''$ West, 143.67 feet to a point lying on the Southerly right of way line of International Golf Parkway, a 66 foot right of way as presently established; thence North $89^{\circ}12'28''$ East, along said Southerly right of way line, 152.97 feet to its intersection with said Easterly line of the West Half of the West Half of Section 13; thence South $00^{\circ}10'32''$ West, departing said Southerly right of way line and along said Easterly line, 1033.20 feet to the Point of Beginning.

Containing 2.26 acres, more or less.

**SKETCH TO ACCOMPANY DESCRIPTION OF
A PORTION OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 28 EAST,
ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS
DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3898, PAGE 409,
OF THE PUBLIC RECORDS OF SAID COUNTY,
BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.**

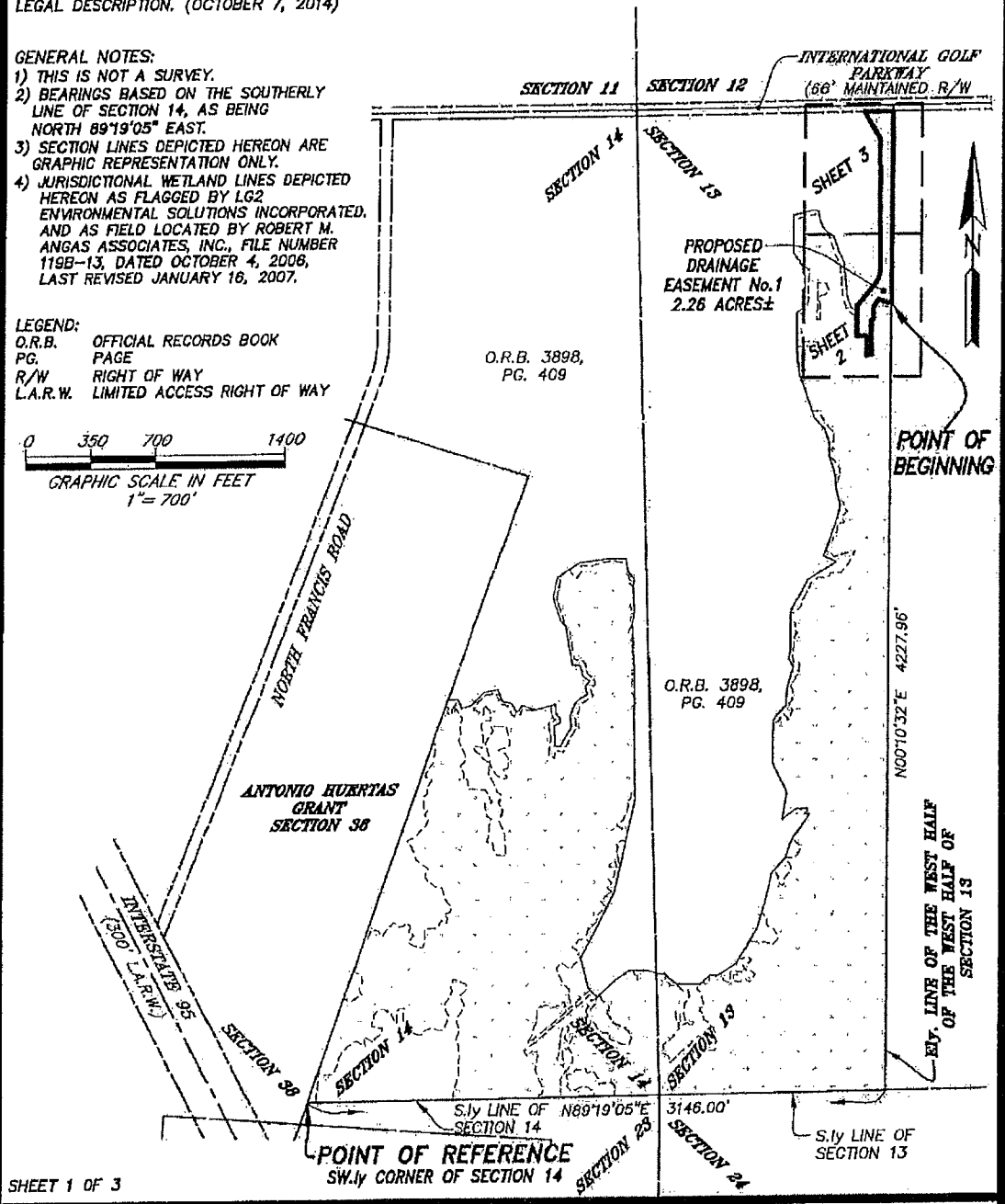
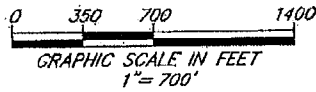
REVISED TO AMEND BOUNDARY AND
LEGAL DESCRIPTION. (OCTOBER 7, 2014)

GENERAL NOTES:

- 1) THIS IS NOT A SURVEY.
- 2) BEARINGS BASED ON THE SOUTHERLY LINE OF SECTION 14, AS BEING NORTH 89°19'05" EAST.
- 3) SECTION LINES DEPICTED HEREON ARE GRAPHIC REPRESENTATION ONLY.
- 4) JURISDICTIONAL WETLAND LINES DEPICTED HEREON AS FLAGGED BY LG2 ENVIRONMENTAL SOLUTIONS INCORPORATED, AND AS FIELD LOCATED BY ROBERT M. ANGAS ASSOCIATES, INC., FILE NUMBER 119B-13, DATED OCTOBER 4, 2008, LAST REVISED JANUARY 18, 2007.

LEGEND:

O.R.B. OFFICIAL RECORDS BOOK
PG. PAGE
R/W RIGHT OF WAY
L.A.R.W. LIMITED ACCESS RIGHT OF WAY



SHEET 1 OF 3

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

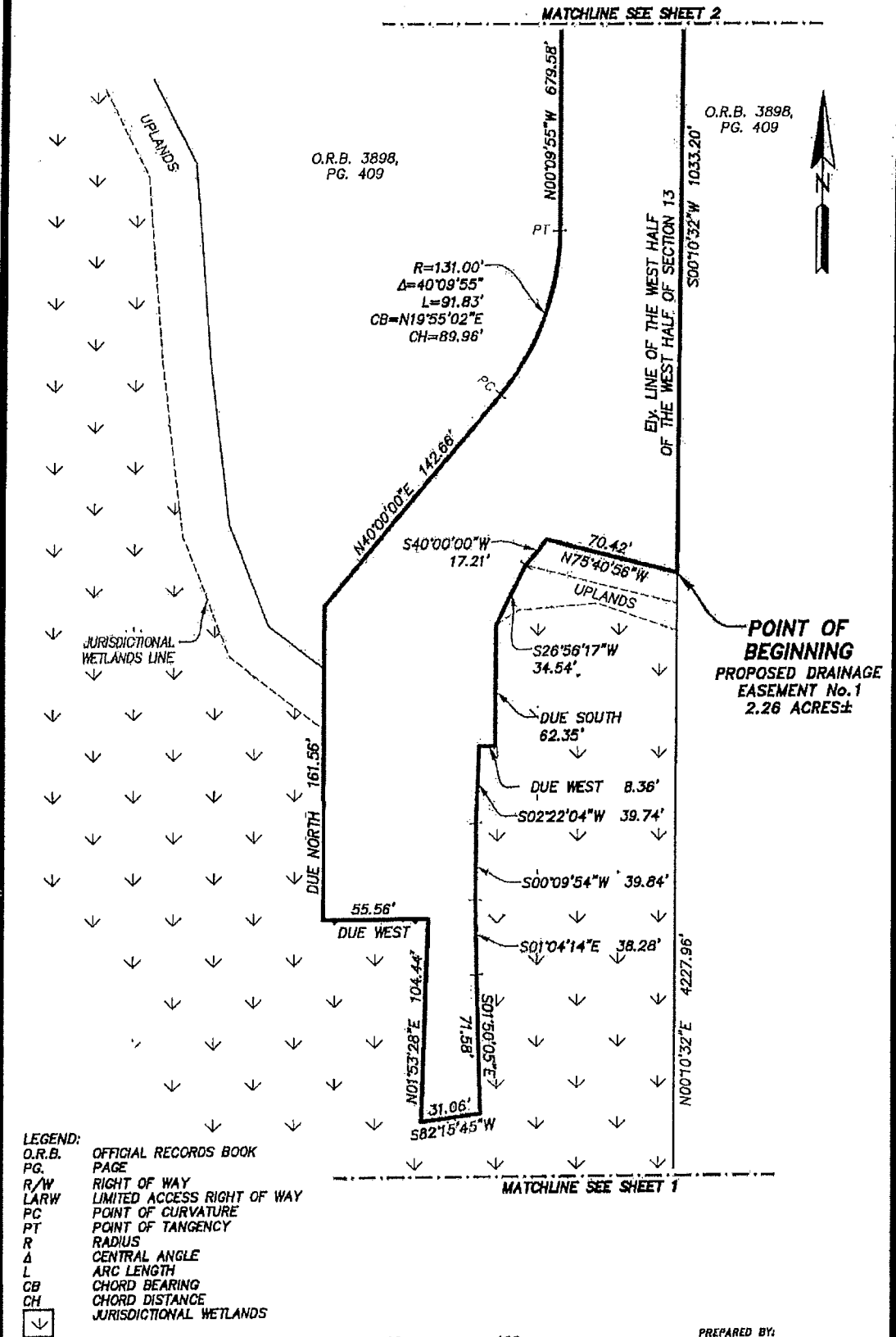


ROBERT M. ANGAS ASSOCIATES, INC.
SURVEYORS • PLANNERS • CIVIL ENGINEERS
14775 Old St. Augustine Road, Jacksonville, FL 32258
Tel: (904) 642-8550 Fax: (904) 642-4185
Certificate of Authorization No.: LB 3624

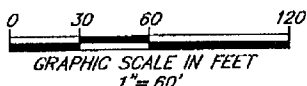
DAMON J. KELLY
PROFESSIONAL SURVEYOR AND MAPPER
STATE of FLORIDA LS No. 6284

DATE: SEPTEMBER 10, 2014 SCALE: 1" = 700'

A PORTION OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 28 EAST,
ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS
DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3898, PAGE 409,
OF THE PUBLIC RECORDS OF SAID COUNTY.



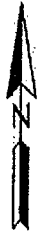
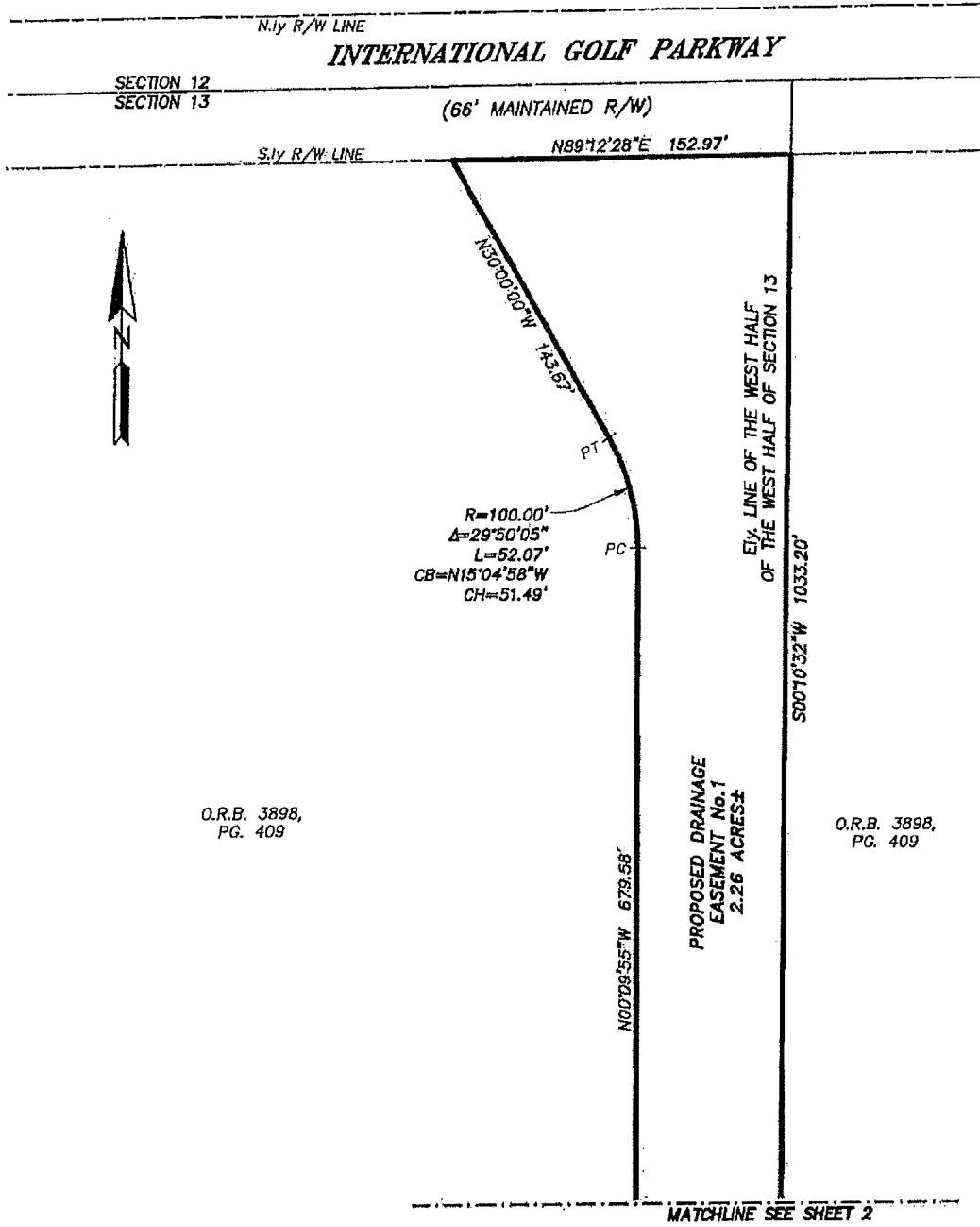
- LEGEND:
- O.R.B. OFFICIAL RECORDS BOOK
 - PG. PAGE
 - R/W RIGHT OF WAY
 - LARW LIMITED ACCESS RIGHT OF WAY
 - PC POINT OF CURVATURE
 - PT POINT OF TANGENCY
 - R RADIUS
 - Δ CENTRAL ANGLE
 - L ARC LENGTH
 - CB CHORD BEARING
 - CH CHORD DISTANCE
 - ↓ JURISDICTIONAL WETLANDS



SHEET 2 OF 3
SEE SHEET 1 FOR NOTES.

PREPARED BY:
ROBERT M. ANGAS ASSOCIATES, INC.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32258 (904) 642-8550
CERTIFICATE OF AUTHORIZATION NO. LB 3624

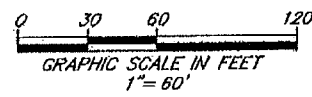
A PORTION OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 28 EAST,
ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS
DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3898, PAGE 409,
OF THE PUBLIC RECORDS OF SAID COUNTY.



O.R.B. 3898,
PG. 409

O.R.B. 3898,
PG. 409

- LEGEND:
- O.R.B. OFFICIAL RECORDS BOOK
 - PG. PAGE
 - R/W RIGHT OF WAY
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SHEET 3 OF 3
SEE SHEET 1 FOR NOTES.

PREPARED BY:
ROBERT M. ANGAS ASSOCIATES, INC.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32258 (904) 642-8550
CERTIFICATE OF AUTHORIZATION NO. LB 3624

Exhibit "B" to Resolution

Prepared by:

Kathryn F. Whittington, Esq.
24 Cathedral Place, Ste. 600
St. Augustine, FL 32084

TERMINATION AND VACATION OF AN EASEMENT

THIS TERMINATION AND VACATION OF AN EASEMENT made this ____ day of _____, 2014, by and between **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 party of the first part and **SOUTHAVEN LAND ASSOCIATES, LLC**, a Delaware limited liability company, whose address is 605 Palencia Club Drive, St. Augustine, Florida 32095, hereinafter called party of the second part.

WHEREBY, upon the request of the party of the second part, the party of the first part does hereby terminate and vacate that certain easement and all rights thereunder granted and conveyed to the party of the first part in Deed Book 200, page 581, of the public records of St. Johns County, Florida, as to the land situate, lying and being in St. Johns County, State of Florida and being more particularly described as follows:

The North 2,280 feet of the West 30 feet of the East 70 feet of the W1/2 of the W1/2 of Section 13, Township 6 South, Range 28 East, St. Johns County, Florida.

In consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged by the party of the first, the party of the first part St. Johns County, Florida, does hereby terminate and vacate the easement described above, effective this date.

IN WITNESS WHEREOF, party of the first part has executed this Termination and Vacation of an Easement on the day and year first above written.

Signed, sealed and delivered
in the presence of:

ST. JOHNS COUNTY, FLORIDA

Print Name: _____

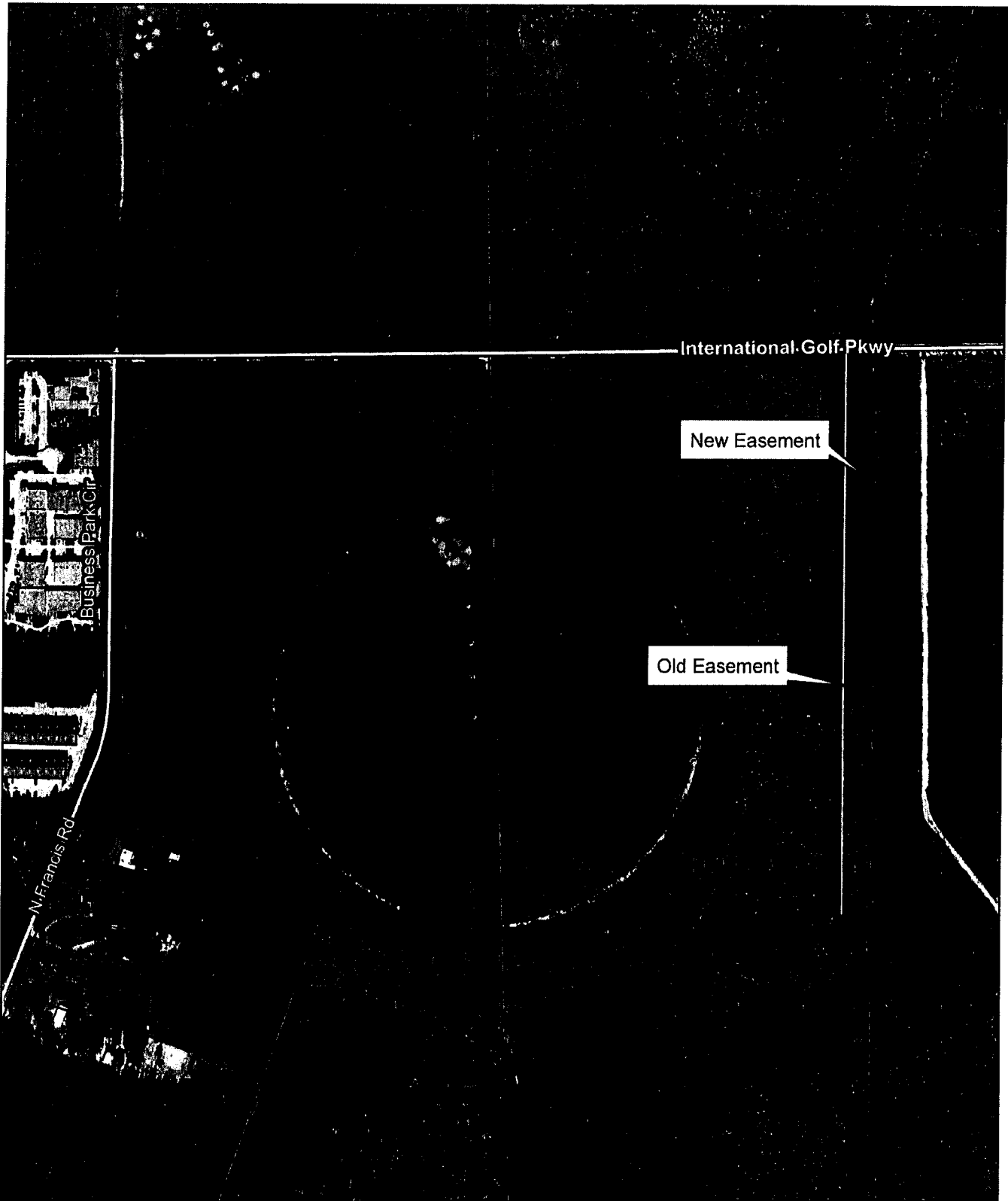
By: _____
Michael D. Wanchick,
County Administrator

Print Name _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, by Michael D. Wanchick as County Administrator of St. Johns County, Florida, on behalf of the County. He is personally known to me.

Notary Public
My commission expires: _____



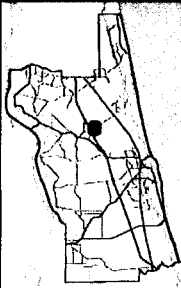
International Golf Parkway

New Easement

Old Easement

Business Park Cir

N Francis Rd




2013 Aerial Imagery
0 100 200
Feet
May 7, 2014

**Grant of Drainage Easement
Southaven PUD**

International Golf Parkway

Land Management
Systems
Real Estate
Division
(904) 209-0790

Disclaimer:
This map is for reference use only.
Data provided are derived from multiple
sources with varying levels of accuracy.
The St. Johns County Real Estate
Division disclaims all responsibility
for the accuracy or completeness
of the data shown hereon.

