

RESOLUTION NO. 2014- 70

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO PALENCIA ELEMENTARY SCHOOL ON PALENCIA VILLAGE DRIVE.**

**RECITALS**

**WHEREAS**, The School Board of St. Johns County, Florida, has executed and presented to the County an Easement for Utilities for water and sewer services, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, to serve Palencia Elementary School on Palencia Village Drive; and

**WHEREAS**, the School Board accepted the easement by Resolution No. 2011-30 attached hereto as Exhibit "B," incorporated by reference and made a part hereof. The Resolution and Easement were recorded by the School Board prior to being submitted to the County; and

**WHEREAS**, St. Johns County Utility Department has reviewed and approved the document mentioned above, as stated in a memo attached hereto as Exhibit "C," 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.

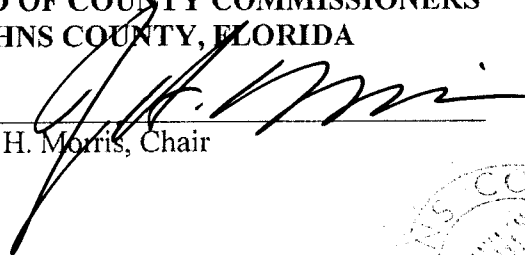
Section 2. The above described Easement for Utilities is hereby accepted by the Board of County Commissioners.

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.

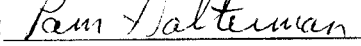
Section 4. The Clerk of the Circuit Court is instructed to file the original Easement for Utilities in the Public Records of St. Johns County, Florida.

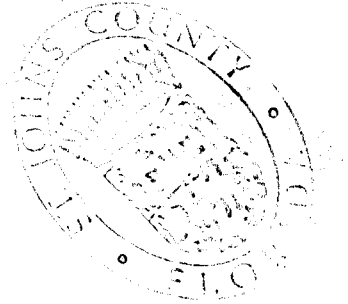
PASSED AND ADOPTED this 18 day of March, 2014.

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

By:   
John H. Morris, Chair

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk



RENDITION DATE 3/20/14

**EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 10<sup>th</sup> day of January, 2012 by **THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA**, with an address of 40 Orange Street, St. Augustine, Florida 32084, 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 water distribution system, meter and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on the map showing specific purpose survey attached as Exhibit A 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 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. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

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:

THE SCHOOL BOARD OF ST. JOHNS  
COUNTY, FLORIDA

[Signature]  
Witness #1 \_\_\_\_\_  
(type or print name)

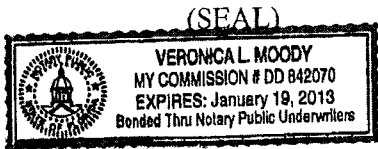
By: Beverly Slough  
Beverly Slough  
Its Chairperson

Patricia Alexander  
Witness #2 Pat Alexander  
(type or print name)

**GRANTOR**

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 10<sup>th</sup> day of January, 20 11, by Beverly Slough, as Chairperson for the School Board of St. Johns County, Florida, who ( ) is personally known to me or ( ) has produced driver's license no. \_\_\_\_\_ as identification.



Veronica L. Moody  
Signature of Notary  
Veronica L. Moody  
(Name of notary, typed/printed)  
Commission Number:  
My Commission Expires:

EXHIBIT "A" to Easement

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:  
 A ST. JOHNS COUNTY UTILITY DEPARTMENT EASEMENT BEING A PORTION LAND LYING IN  
 SECTION 33, TOWNSHIP 5 SOUTH, RANGE 29 EAST AND SECTION 4, TOWNSHIP 6 SOUTH,  
 RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA

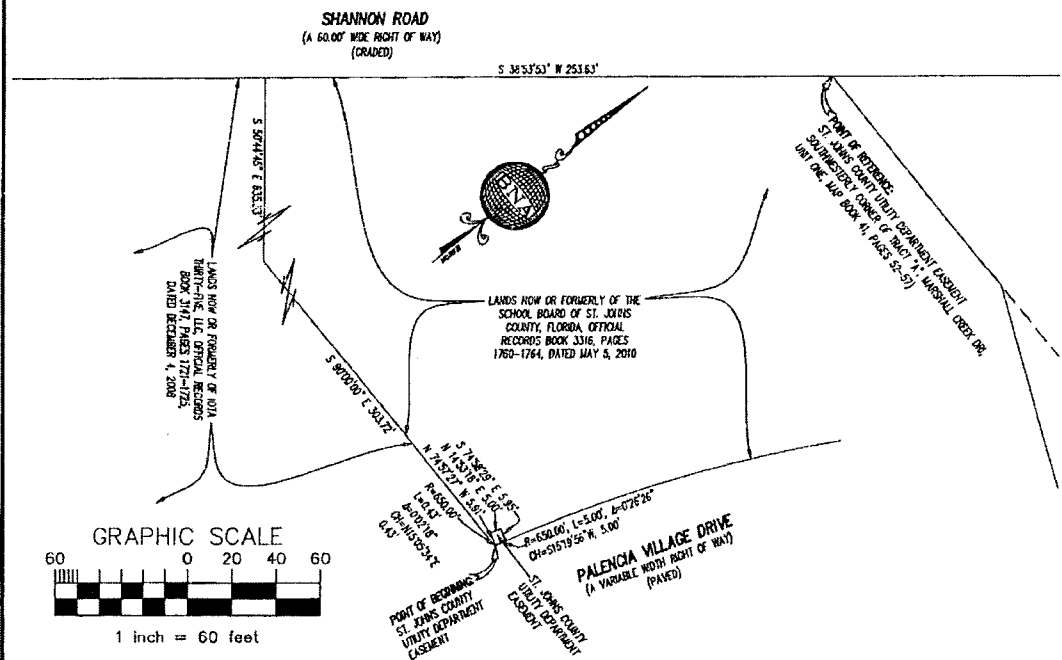
LEGAL DESCRIPTION: ST. JOHNS COUNTY UTILITY DEPARTMENT EASEMENT

A PORTION LAND LYING IN SECTION 33, TOWNSHIP 5 SOUTH, RANGE 29 EAST AND SECTION 4, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWESTERLY CORNER OF TRACT "A", MARSHALL CREEK DRI UNIT ONE, AS RECORDED IN MAP BOOK 41, PAGES 52 THROUGH 57 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 38°53'53" WEST, ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SHANNON ROAD (A 60.00 FOOT WIDE RIGHT OF WAY AS PRESENTLY ESTABLISHED), A DISTANCE OF 253.63 FEET; THENCE SOUTH 50°44'45" EAST, DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3316, PAGES 1760 THROUGH 1764, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3147, PAGES 1721 THROUGH 1725 OF SAID PUBLIC RECORDS, A DISTANCE OF 635.33 FEET; THENCE SOUTH 90°00'00" EAST, CONTINUING ALONG THE WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3316, PAGES 1760 THROUGH 1764, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3147, PAGES 1721 THROUGH 1725 OF SAID PUBLIC RECORDS, A DISTANCE OF 303.72 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF PALENCIA VILLAGE DRIVE (A VARIABLE WIDTH RIGHT OF WAY AS PRESENTLY ESTABLISHED), SAID POINT BEING ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 650.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°02'18", AN ARC DISTANCE OF 0.43 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 15°05'34" EAST, 0.43 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 74°57'27" WEST, DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5.91 FEET; THENCE NORTH 14°53'18" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 74°58'28" EAST, A DISTANCE OF 5.95 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID PALENCIA VILLAGE DRIVE, SAID POINT BEING ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 650.00 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 0°26'26" AN ARC DISTANCE OF 5.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°19'56" WEST, 5.00 FEET TO THE POINT OF BEGINNING.

SAID ST. JOHNS COUNTY UTILITY DEPARTMENT EASEMENT CONTAINING 30 SQUARE FEET MORE OR LESS.



GENERAL NOTES:

1. BEARINGS ARE BASED ON THE EAST RIGHT OF WAY LINE OF U.S. #1 AS DESCRIBED IN OFFICIAL RECORD BOOK 2446 PAGE 1898 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA AS BEING SOUTH 14°50'40" EAST.
2. THIS IS A SPECIFIC PURPOSE SURVEY OF A SKETCH AND LEGAL DESCRIPTION ONLY AND DOES NOT ADDRESS ANY UNDERGROUND UTILITIES OR ENVIRONMENTAL CONCERNS AS MAY BE DEEMED AS SUCH BY ANY GOVERNMENT AGENCY OR SPECIAL INTEREST GROUP. THIS IS NOT A BOUNDARY SURVEY.
3. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND BRADSHAW-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.

I HEREBY CERTIFY, that this map graphically depicts the results of a sketch made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mappers, Chapter 32-17.051 & 32-17.052, Florida Administrative Code; Pursuant to Section 472.027, Florida Statutes; subject to all notes and notations shown hereon.

12/06/2011  
 DATE OF SIGNATURE

ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

BRADSHAW-NILES & ASSOCIATES, INC.  
 SURVEYING AND MAPPING CONSULTANTS  
 LICENSED BUSINESS NO. 6821  
 260 BUSINESS PARK CIRCLE, SUITE 410  
 ST. AUGUSTINE, FLORIDA 32095  
 (904) 829-2591 FAX (904) 829-5070

Public Records of  
St. Johns County, FL  
Clerk # 2012002742,  
O.R. 3516 PG 241-246  
01/18/2012 at 08:06 AM,  
REC. \$25.00 SUR. \$27.50

SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA  
RESOLUTION NUMBER 2011-30

A RESOLUTION BY THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A FIVE FOOT BY SIX FOOT (5' X 6') EASEMENT TO ST. JOHNS COUNTY FOR THE CONSTRUCTION, OPERATION & MAINTENANCE OF A WATER FORCE MAIN AND RELATED IMPROVEMENTS BENEFITTING SCHOOL "L".

WHEREAS, at its meeting held on January 10, 2012 duly noticed and convened under law, the School Board of St. Johns County, Florida considered the grant of a dedicated, irrevocable easement roughly five foot by six foot (5' x 6') to St. Johns County for construction, operation and maintenance of water force main and related improvements intended to benefit School "L".

WHEREAS, by a majority vote, it was resolved by the School Board of St. Johns County, Florida, as follows:

1. The School Board's Chairperson, Beverly Slough, is hereby authorized to execute the easement, the form and content of which are hereby approved by the Board.
2. A copy of this resolution shall be recorded in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the School Board of St. Johns County, Florida this day of January 10, 2012.

SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA

By: Beverly Slough  
Beverly Slough  
Its Chairperson



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

Utility Department

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**INTEROFFICE MEMORANDUM**

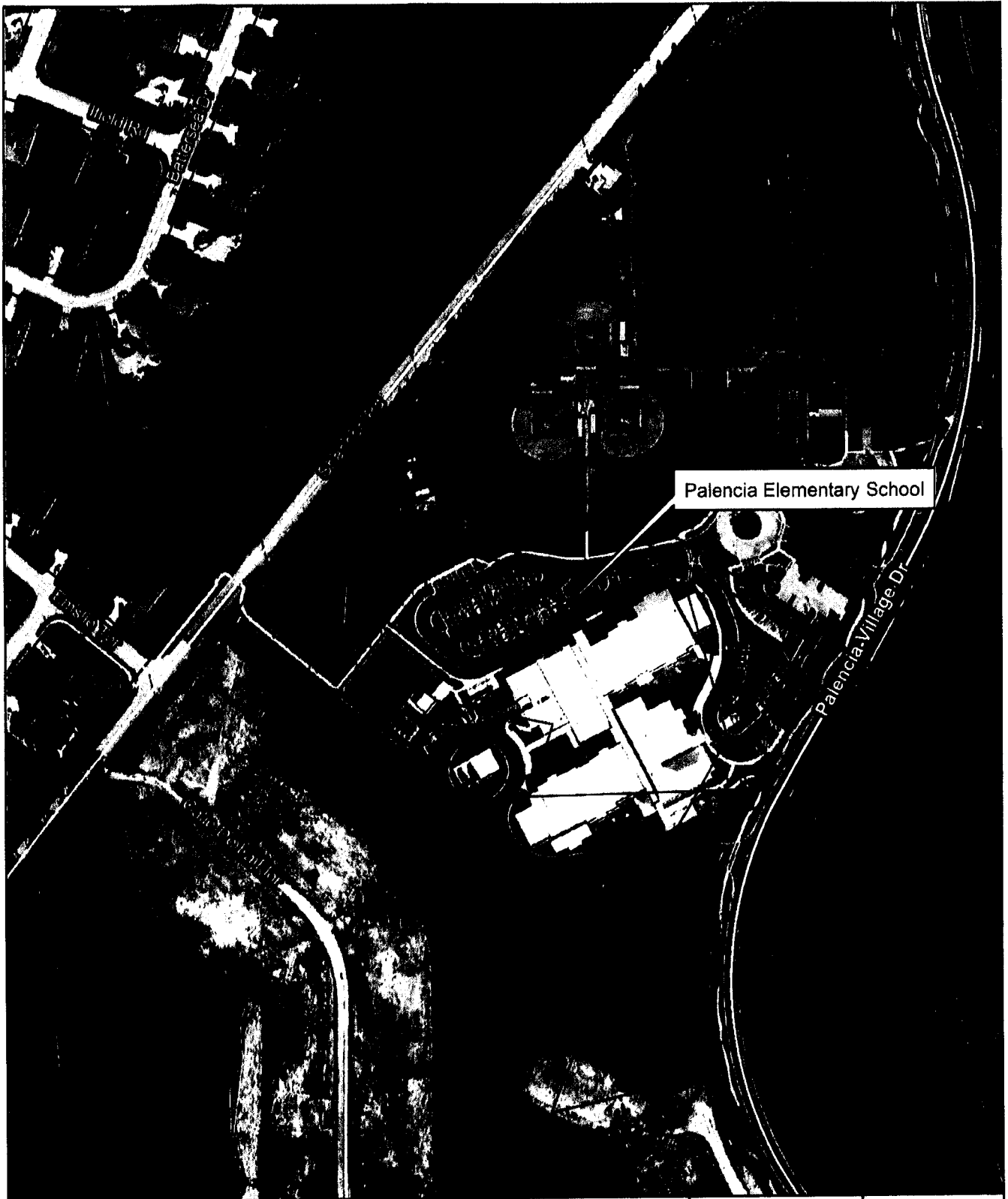
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TO: Nanette Bradbury, Real Estate Coordinator  
FROM: Melissa Caraway, Utility Review Coordinator  
SUBJECT: Elementary School "L"  
DATE: January 14, 2014

Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of Elementary School "L".

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.



Palencia Elementary School



2013 Aerial Imagery  
0 100 200  
Feet  
February 10, 2014

# Palencia Elementary School Easement for Utilities

Land Management  
Systems  
Real Estate  
Division  
(904) 209-0788

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.

