

RESOLUTION NO. 2015- 210

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF SIDEWALK EASEMENT FOR CONSTRUCTION OF A SIDEWALK ALONG WILDWOOD DRIVE.

RECITALS

WHEREAS, DFH Wildwood, LLC, a Florida limited liability company, has executed a Grant of Sidewalk Easement attached hereto as Exhibit "A," incorporated by reference and made a part hereof; and

WHEREAS, the Easement is required for construction of the sidewalk along Wildwood Drive adjacent to the Preserve at Wildwood subdivision; and

WHEREAS, it is in the best interest of the public for the County to accept the Easement for the safety and welfare of the citizens in the area.

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 Grant of Sidewalk Easement is hereby accepted by the Board of County Commissioners of St. Johns County.

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.

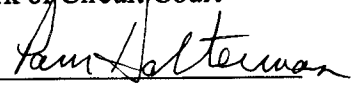
Section 4. The Clerk of Circuit Court is instructed to record the original Grant of Sidewalk Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 4th day of August, 2015.

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

By: 
Priscilla L. Bennett, Chair

ATTEST: Cheryl Strickland
Clerk of Circuit Court

By: 
Deputy Clerk

RENDITION DATE 8/6/15



Exhibit "A" to Resolution

PREPARED BY AND RETURN TO:

Melissa S. Turra, Esq.
Holland & Knight LLP
50 N. Laura Street, Ste 3900
Jacksonville, Florida 32202

GRANT OF SIDEWALK EASEMENT

THIS EASEMENT executed and given this 12th day of May, 2015, by DFH WILDWOOD, LLC, a Florida limited liability company, whose address is 360 Corporate Way, Orange Park, FL 32073, 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, Florida 32084, hereinafter called the "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, said Grantor hereby gives, grants, dedicates and conveys to the Grantee, its successors and assigns forever, an unobstructed right-of-way and non-exclusive permanent easement with the right, privilege and authority to said Grantee, its successors and assigns, to construct, operate, lay, maintain, improve and repair a sidewalk on, along, over, through, across or under the following described land, situated in St. Johns County, Florida:

As more particularly described in the attached Exhibit A, incorporated by reference and made a part hereof (the "Property")


TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the 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 the Property, together with the right, easements, privileges and appurtenances in and to said the Property which may be required for the enjoyment of the rights herein granted.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

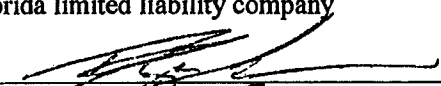
IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officers as of the day and year first above written.

Signed, sealed and delivered in the presence of:


Print Name: Patrick Zalupski

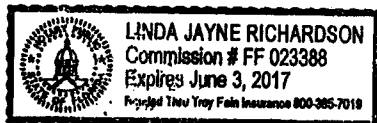

Print Name: Linda Richardson

DFH WILDWOOD, LLC,
a Florida limited liability company

By: 
Name: Patrick Zalupski ~~BATEL C. MCGRAW~~
Title: Manager ~~VICE PRESIDENT~~

STATE OF FLORIDA
COUNTY OF Clay

This instrument was acknowledged before me this 27th day of May, 2015, by Patrick Zalupski, as Manager of DFH Wildwood, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me.





Print Name: _____
Notary Public, State of Florida
My commission expires:
Commission Number:

EXHIBIT A to Easement

The westerly five feet of Tract B as depicted on that certain Plat of Preserve at Wildwood recorded in Map Book 72, Page 77 of the public records of St. Johns County, Florida.

JOINDER OF MORTGAGEE
REGARDING GRANT OF SIDEWALK EASEMENT ("JOINDER")

TEXAS CAPITAL BANK, a National Association ("Mortgagee"), in its capacity as Administrative Agent, being the present legal and equitable owner and holder of a mortgage lien from **DFH WILDWOOD, LLC**, a Florida limited liability company ("Mortgagor"), against the property described in the foregoing instrument pursuant to that certain Amended and Restated Mortgage, Security Agreement, Assignment of Rents, Fixture Filing and Spreader Agreement, dated June 30, 2014, recorded on July 8, 2014 in O.R. Book 3901, Page 694 of the Public Records of St. Johns County, Florida, as the same has been and may be further amended from time to time, ("Mortgage"), and acting for itself and its successors and assigns does hereby consent to the terms of this Grant of Sidewalk Easement ("Easement") and does hereby subordinate the lien of the Mortgage to the terms of this Easement. The execution of this Joinder by Mortgagee shall not be deemed or construed to have the effect of creating between Mortgagee and any party thereto the relationship of partnership or of joint venture nor shall anything contained hereunder be deemed to impose upon Lender any of the liabilities, duties or obligations of DFH Wildwood, LLC under the Easement. Mortgagee executes this Joinder solely for the purposes set forth herein.

[Signatures are on the following page]

IN WITNESS WHEREOF, the Mortgagee has executed this Joinder of Grant of Sidewalk Easement, as of the 8th day of May, 2015.

WITNESSES:

[Signature]
First Witness
Joe A. Martinez
Print Name

[Signature]
Second Witness
Margaret Noles
Print Name

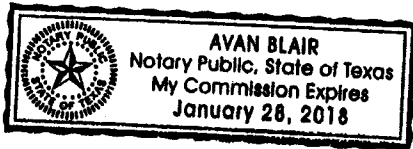
TEXAS CAPITAL BANK, NATIONAL ASSOCIATION,
as Administrative Agent

By: [Signature]
Name: **Joe Hardy**
Its: **Senior Vice President**

STATE OF TEXAS

COUNTY OF Harris

The foregoing instrument was acknowledged before me this 8th day of May, 2015, by Joe Hardy, as Senior Vice Pres of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, as Administrative Agent, on behalf of the company (select one) who is personally known to me or who has produced _____ as identification.



[Signature]
Notary Public, State of Texas
Name: _____

My Commission Expires: _____
My Commission Number is: 00768519-6

JOINDER OF MORTGAGEE
REGARDING GRANT OF SIDEWALK EASEMENT ("JOINDER")

MEDLEY CAPITAL CORPORATION, a Delaware corporation ("Mortgagee"), in its capacity as Administrative Agent, being the present legal and equitable owner and holder of a mortgage lien from **DFH WILDWOOD, LLC**, a Florida limited liability company ("Mortgagor"), against the property described in the foregoing instrument pursuant to that certain Mortgage, Security Agreement, Assignment of Rents and Fixture Filing, dated September 13, 2013, recorded on September 18, 2013 in O.R. Book 3791, Page 736, as modified by that Modification Agreement dated June 30, 2014, recorded on July 8, 2014 in O.R. Book 3901, Page 809, as the same has been and may be further amended from time to time, ("Mortgage"), and acting for itself and its successors and assigns does hereby consent to the terms of this Grant of Sidewalk Easement ("Easement") and does hereby subordinate the lien of the Mortgage to the terms of this Easement. The execution of this Joinder by Mortgagee shall not be deemed or construed to have the effect of creating between Mortgagee and any party thereto the relationship of partnership or of joint venture nor shall anything contained hereunder be deemed to impose upon Lender any of the liabilities, duties or obligations of DFH Wildwood, LLC under the Easement. Mortgagee executes this Joinder solely for the purposes set forth herein.

[Signatures are on the following page]

IN WITNESS WHEREOF, the Mortgagee has executed this Joinder of Mortgagee Regarding Grant of Sidewalk Easement, as of the 5th day of May, 2015.

WITNESSES:

[Signature]
First Witness

Lindsay Fenful
Print Name

[Signature]
Second Witness

Dan Jacobs
Print Name

MEDLEY CAPITAL CORPORATION,
as Administrative Agent

By: [Signature]
Name: Richard Alloato
Its: Chief Financial officer

STATE OF ~~TEXAS~~ New York

COUNTY OF New York

The foregoing instrument was acknowledged before me this 5th day of May, 2015, by Richard Alloato, as Chief Financial officer of MEDLEY CAPITAL CORPORATION, as Administrative Agent, on behalf of the company (select one) who is personally known to me or who has produced _____ as identification.

[Signature]
Notary Public, State of ~~Texas~~ New York
Name: Rachel Cross

My Commission Expires: 6/17/2017
My Commission Number
is: 01CR6284283

Rachel Cross
Notary Public, State of New York
No. 01CR6284283
Qualified in New York County
My Commission Expires June 17, 2017

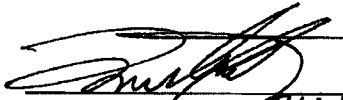
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ACKNOWLEDGMENT OF HOA
REGARDING GRANT OF SIDEWALK EASEMENT ("ACKNOWLEDGMENT")


THE PRESERVE AT WILDWOOD HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation ("HOA"), acting for itself and its successors and assigns does hereby acknowledge the terms of this Grant of Sidewalk Easement ("Easement"). The execution of this Acknowledgment by the HOA shall not be deemed or construed to have the effect of creating between DFH Wildwood, LLC and HOA the relationship of partnership or of joint venture nor shall anything contained hereunder be deemed to impose upon the HOA any of the liabilities, duties or obligations of DFH Wildwood, LLC under the Easement.

Signed, sealed and delivered in
the presence of:

**THE PRESERVE AT WILDWOOD
HOMEOWNERS ASSOCIATION,
INC.**, a Florida not-for-profit
corporation

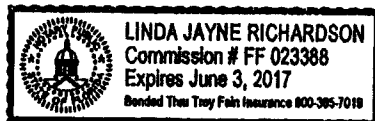

Print Name: Patrick McCreath

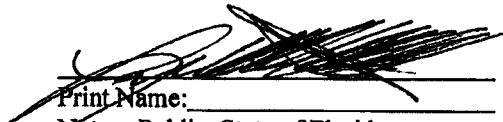
By: 
Name: Batey McGraw
Title: President

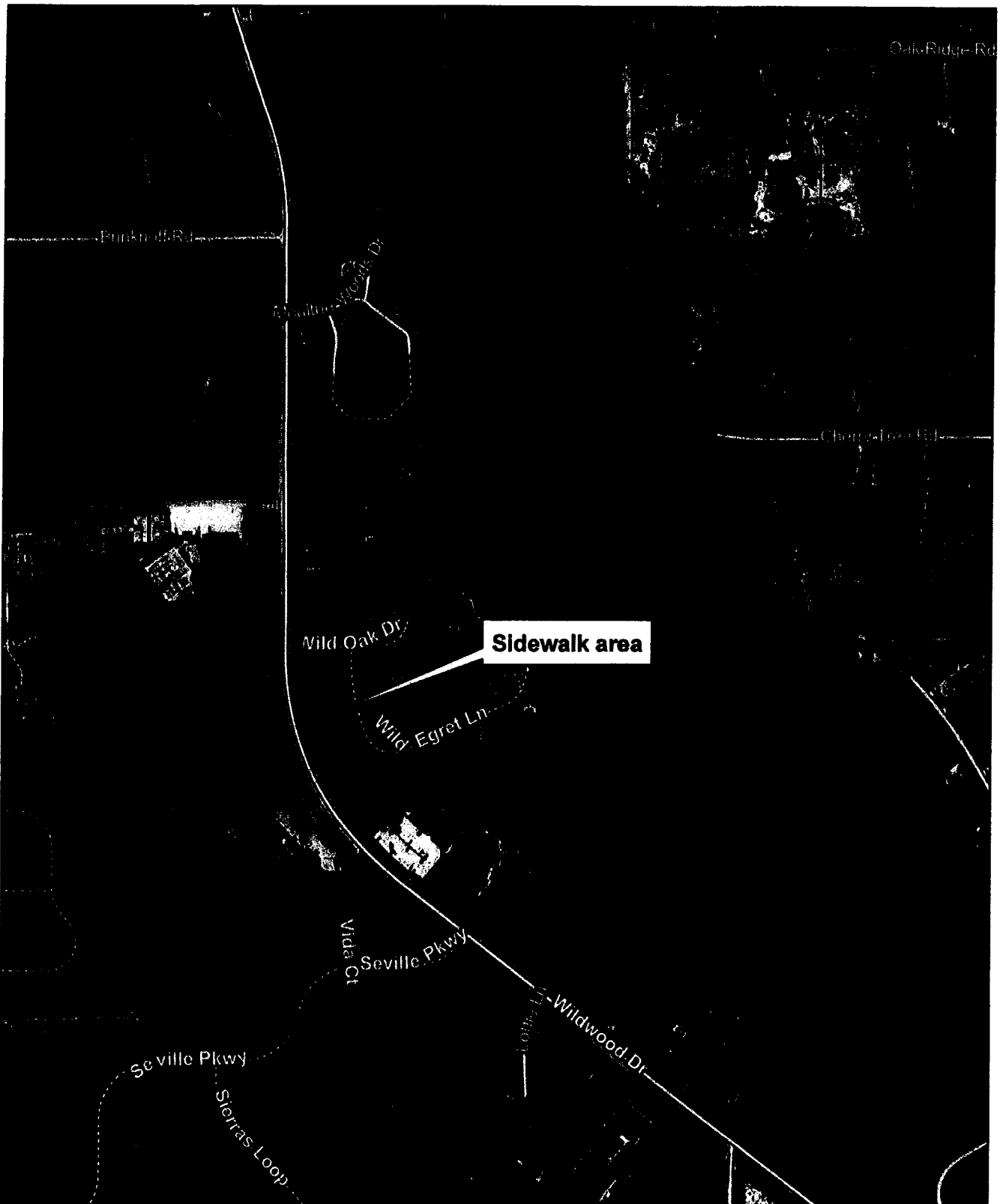

Print Name: Linda J. Richardson

STATE OF FLORIDA
COUNTY OF Clay

The foregoing instrument was acknowledged before me this 26th day of May, 2015, by Batey McGraw, as President of The Preserve at Wildwood Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He is personally known to me.




Print Name: _____
Notary Public, State of Florida
My commission expires:
Commission Number:




 2013 Aerial Imagery
 0 100 200
 Feet
 June 12, 2015

Sidewalk Easement

*Preserve at
Wildwood*

Land Management
 Systems
 Real Estate
 Division
 (904) 209-0762

 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.

