

RESOLUTION NO. 2015-90

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIR, OR DESIGNEE, TO EXECUTE A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF COUNTY ROAD 204 IN HASTINGS

RECITALS

WHEREAS, Shutts & Bowen LLP (“Applicant”) has submitted an application to the St. Johns County Growth Management Department for construction of an unmanned wireless communication facility to be located at 2700 County Road 204, Hastings, Florida (*see* TOWER 2014-000001); and

WHEREAS, section 6.08.12.S of the St. Johns County Land Development Code (“Code”) provides that approval of such applications shall be conditioned upon the County’s receipt of a valid easement, in favor of the County, to allow for access and removal of the facility in the event that it is abandoned; and

WHEREAS, the Applicant has submitted a Temporary Access Easement (attached hereto as Exhibit “A” and incorporated herein by reference), in favor of the County, as required under section 6.08.12.S of the Code.

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 of County Commissioners hereby approves the terms of the attached Temporary Access Easement and authorizes the Chair, or designee, to execute a temporary access easement in substantially the same form and format on behalf of the County.

Section 3. To the extent that there are typographical and/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 is instructed to record the Temporary Access Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 21st day of April, 2015.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Priscilla L. Bennett, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 4/23/15



EXHIBIT "A" TO RESOLUTION

Prepared by:
Sheri Lewis
St. Johns County
Land Management Systems
500 San Sebastian View
St. Augustine, FL 32084

TEMPORARY ACCESS EASEMENT

This Temporary Access Easement (the "Easement") made this _____ day of _____, 2015, by and between **CLYDE L. KERSEY** and **HILDA A. KERSEY**, husband and wife, whose address is 2700 County Road 204, Hastings, FL 32145, "Grantor", to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, "Grantee", its licensees, agents, successors and assigns. This Easement grants a non-exclusive right of way access easement for the purpose of ingress and egress by Grantee, Grantee's agents or assigns, at any and all time, to and from the leased premises (the "Leased Premises") which is more particularly described herein in Exhibit "A" attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, Grantor, as Landlord, has entered into the Land Lease Agreement, referred to hereinafter as "Agreement", dated May 9, 2014, granting to Verizon Wireless Personal Communications, LP, as "Tenant", a leasehold interest in the Leased Premises; and

WHEREAS, the Agreement contemplates the construction of a telecommunications facility on the Leased Premises; and

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications facilities after abandonment; and

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires a thirty foot (30') easement for access to the Leased Premises for removal of an abandoned telecommunications facility not complying with Section 6.08.12(N) (providing for time periods for removal of an abandoned telecommunications facility); and

NOW, THEREFORE, Grantor, for and in consideration of the sum of Ten and No/Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, a non-exclusive easement over the lands of Grantor more particularly described on Exhibit "B" attached hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Tenant's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12(N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Leased Premises and to

remove the telecommunications facilities therefrom in accordance with and subject to the requirements of Section 6.08.12(N) of the Zoning Ordinance.

The Grantor warrants to Grantee that it has good and indefeasible fee simple title to the Easement Area and the authority to enter into this easement.

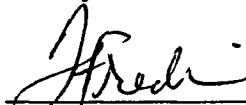
The Easement shall terminate automatically upon removal of the Tenant's telecommunications facilities from the Leased Premises, whether removed by the Tenant, Grantor or Grantee. At the request of the Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of Grantor's request, Grantor may record an affidavit certifying that the telecommunications facilities have been removed and that this Easement has been terminated.

Grantor reserves the right at its expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantor's property, provided that the relocated easement shall provide the Grantee substantially the same ingress and egress rights herein granted. Any such relocated easement shall be evidenced by an amendment to the Easement executed by Grantor and Grantee herein.

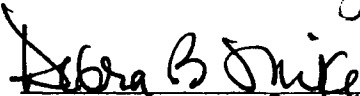
IN WITNESS WHEREOF, party of the first part has executed this Temporary Access Easement on the day and year first above written.

Signed, sealed and delivered
In the presence of:

GRANTOR

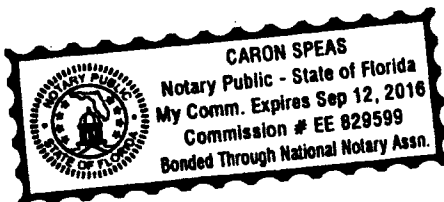

Print Witness name Tracy Frederick

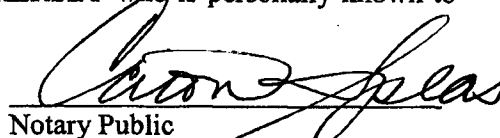

CLYDE L. KERSEY


Print Witness name Debra B. Mike

STATE OF Florida
COUNTY OF Putnam

The foregoing instrument was acknowledged before me this 9th day of March, 2015, by CLYDE L. KERSEY who is personally known to me.




Notary Public
My commission expires: _____

Tracy Frederick
Print Witness name Tracy Frederick

Hilda A. Kersey
HILDA A. KERSEY

Debra B. Mike
Print Witness name Debra B. Mike

STATE OF Florida
COUNTY OF Pitkin

The foregoing instrument was acknowledged before me this 9th day of March, 2015, by HILDA A. KERSEY who is personally known to me.

Caron Speas
Notary Public
My commission expires: _____



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 _____, 2015, by Michael D. Wanchick, County Administrator who is personally known to me.

Notary Public
My commission expires: _____

Exhibit "A"

Leased Premises

**DESCRIPTION OF VERIZON WIRELESS
TOWER LEASE PARCEL**

A PARCEL OF LAND BEING A PORTION OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10 (FOUND 4" X 4" CONCRETE MONUMENT - "SJPC");

THENCE ON AN ASSUMED BEARING OF S01°00'00"E ALONG THE WEST LINE OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10, A DISTANCE OF 205.49 FEET; (REFERENCED BY A FOUND 1" IRON PIPE & CAP - LB6888 AT THE INTERSECTION OF THE WEST LINE OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10 WITH THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 204 (100 FOOT PUBLIC RIGHT-OF-WAY) AT A DISTANCE OF 336.66 FEET;

THENCE N89°00'00"E A DISTANCE OF 11.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N89°00'00"E A DISTANCE OF 92.50 FEET;

THENCE S01°00'00"E A DISTANCE OF 2.50 FEET;

THENCE N89°00'00"E A DISTANCE OF 7.50 FEET;

THENCE S01°00'00"E A DISTANCE OF 97.50 FEET;

THENCE S89°00'00"W A DISTANCE OF 100.00 FEET TO A POINT ON A LINE 11.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10;

THENCE N01°00'00"W ALONG SAID PARALLEL LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND SITUATE WITHIN ST. JOHNS COUNTY, FLORIDA, CONTAINING 9,981.25 SQUARE FEET, MORE OR LESS.

Exhibit "B"

Easement Area

**DESCRIPTION OF VERIZON WIRELESS
ACCESS EASEMENT**

A PARCEL OF LAND BEING A PORTION OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10 (FOUND 4" X 4" CONCRETE MONUMENT - "SJPC");

THENCE ON AN ASSUMED BEARING OF S01°00'00"E ALONG THE WEST LINE OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10, A DISTANCE OF 205.49 FEET; (REFERENCED BY A FOUND 1" IRON PIPE & CAP - LB6888 AT THE INTERSECTION OF THE WEST LINE OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 10 WITH THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 204 (100 FOOT PUBLIC RIGHT-OF-WAY) AT A DISTANCE OF 336.66 FEET;

THENCE N89°00'00"E A DISTANCE OF 11.00 FEET;

THENCE CONTINUE N89°00'00"E A DISTANCE OF 92.50 FEET;

THENCE S01°00'00"E A DISTANCE OF 2.50 FEET;

THENCE N89°00'00"E A DISTANCE OF 7.50 FEET;

THENCE S01°00'00"E A DISTANCE OF 97.50 FEET;

THENCE S89°00'00"W A DISTANCE OF 34.95 FEET TO THE POINT OF BEGINNING;

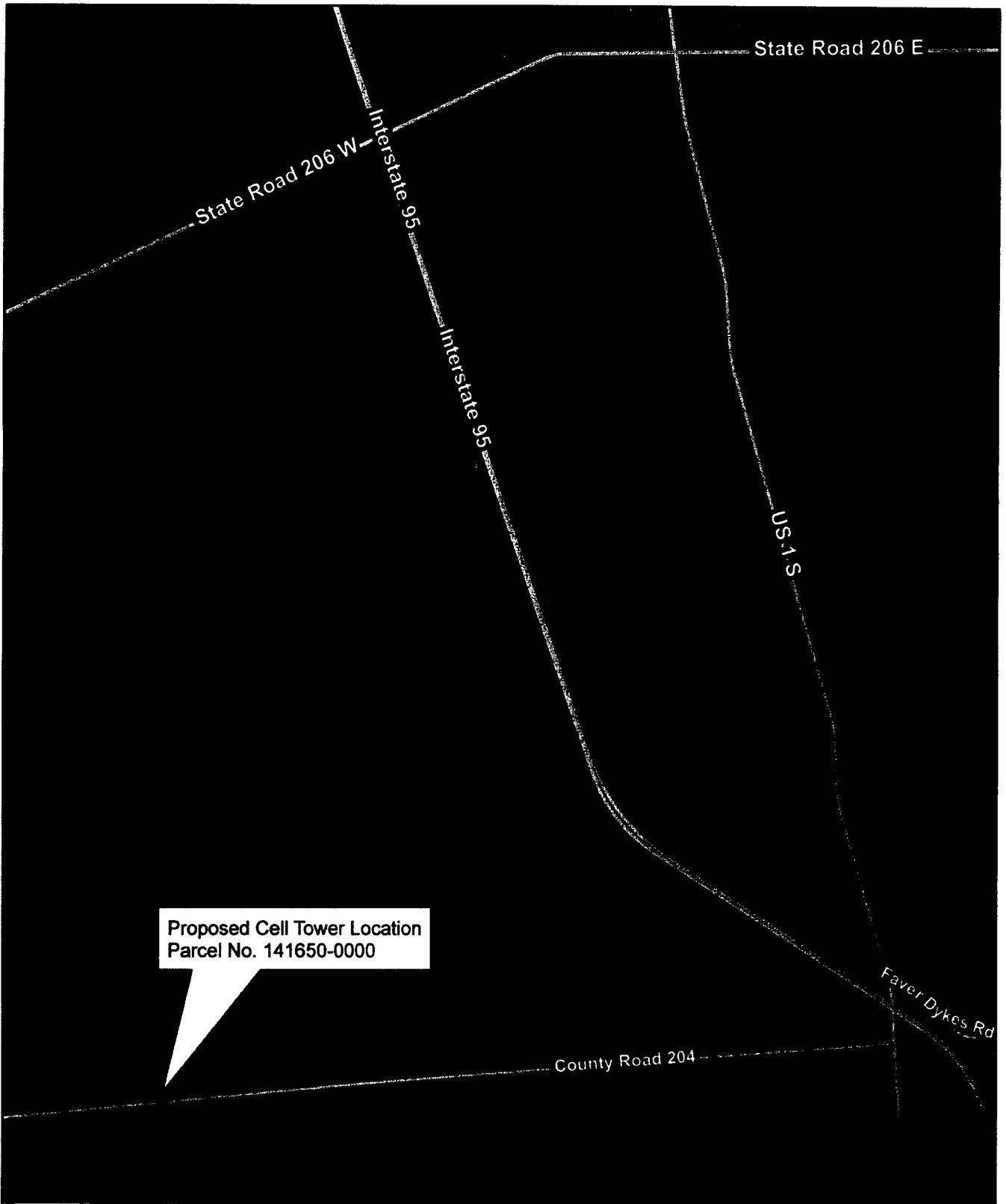
THENCE S05°36'43"E A DISTANCE OF 24.95 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 204;


THENCE S84°23'17"W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET;

THENCE N05°36'43"W A DISTANCE OF 27.37 FEET;

THENCE N89°00'00"E A DISTANCE OF 30.10 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND SITUATE WITHIN ST. JOHNS COUNTY, FLORIDA,
CONTAINING 784.86 SQUARE FEET, MORE OR LESS.




 2013 Aerial Imagery
 0 2,500 5,000
 Feet
 March 12, 2015

Temporary Access Agreement

Proposed Cell Tower Location

Land Management Systems Real Estate Division
 (904) 209-0764

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.

