

RESOLUTION NO. 2016- 329

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE CHAIR OF THE BOARD, ON BEHALF OF THE COUNTY, TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT IN CONNECTION WITH THE SUMMER HAVEN RIVER RESTORATION PROJECT.

RECITALS

WHEREAS, St. Augustine Port, Waterway and Beach District ("Port District) has requested a Temporary Construction Easement ("Easement"), attached hereto as Exhibit "A", incorporated by reference and made a part hereof, from St. Johns County ("County") across certain property in Summer Haven; and

WHEREAS, the easement will allow the Port District temporary use of County property in connection with the Summer Haven Restoration Project funded by a grant given to the Florida Department of Environmental Protection; and

WHEREAS, the Port District has joined in the execution of the Easement to acknowledge and agree to the terms and conditions set forth therein; and

WHEREAS, it is in the best interest of the County to approve granting the Easement for the health, safety and welfare of the citizens of St. Johns County.

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 Board of County Commissioners hereby approves the terms and conditions of the Easement and authorizes the Chair of the Board to execute the Easement on behalf of the County.

Section 3. The Clerk is instructed to record the Easement in the public records of St. Johns County, Florida.

Section 4. 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.

PASSED AND ADOPTED by the Board of County Commissioners this 18 day of October, 2016.

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

By: [Signature]
Jeb S. Smith, Chair

ATTEST: Hunter S. Conrad, Clerk

By: [Signature]
Deputy Clerk

RENDITION DATE 10/21/16

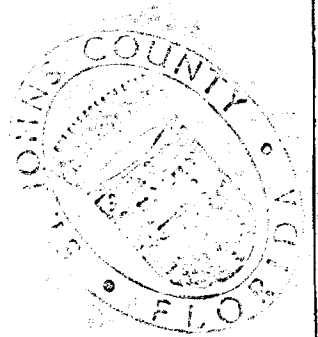


Exhibit "A" to Resolution

Prepared by:
Laurie Ford
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT made this ____ day of _____, 2016, by ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 (Grantor) and ST. AUGUSTINE PORT, WATERWAY AND BEACH DISTRICT, a special district organized under and existing under the laws of the State of Florida, whose address is 3670 US 1 South, Suite 290, St. Augustine, Florida 32086 (Grantee).

WITNESSETH that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the Grantor hereby gives, grants, bargains and releases to the Grantee or its designee, a temporary construction easement to enter upon and use the Grantor's property as described below (the Easement Area) for the placement of sand from dredging the Summer Haven River and the use and storage of construction equipment (the Dredging Activities) in connection therewith, in, upon, over, and through the following described land in St. Johns County, Florida, more particularly described as:

Property as described on attached Exhibit A incorporated by reference and made a part hereof.

It is understood and agreed by the parties hereto that the rights granted herein shall terminate after a period of 24 months from the date of execution of this easement.

Grantor shall further permit Grantee to use the Easement Area as a staging area for the Dredging Activities, including the movement, storage, and removal of equipment and supplies; the erection and removal of temporary structures; and other work necessary and incident to the Dredging Activities (the Staging Activities). However, no Staging Activities shall be permitted on any parcel identified in Exhibit B, attached hereto, as a Grant Funds parcel.

It is understood and agreed by the parties hereto that all such work shall be conducted in a workmanlike manner in compliance with all applicable permits. During sea turtle nesting season, Grantee shall properly monitor the habitats of sea turtles and any other imperiled species in the manner prescribed by the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission according to all required permit conditions. Upon conclusion of the work, all equipment shall be

completely removed from the Easement Area and the Easement Area shall be restored substantially to the condition it was in at the commencement of the work, except for the additional sand.

It is understood and acknowledged by the Grantee that the Florida Inland Navigation District (FIND) possesses a Permanent Work Area Easement, recorded in Book 4164, Page 1429 of the Official Records of St. Johns County, over the License Area (the FIND Easement). Grantee's activities within the Easement Area shall not interfere with any activities conducted pursuant to the FIND Easement by FIND, the U.S. Army Corps of Engineers (the Corps), or any contractor of FIND or the Corps. It shall be Grantee's responsibility to coordinate with FIND prior to commencement of any activities within the Easement Area.

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

Signed, sealed and delivered in
our presence as witnesses:

ST. JOHNS COUNTY, FLORIDA

Print Name: _____

By: _____
Jeb S. Smith, Chair

Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Jeb S. Smith, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the County. He is personally known to me.

Notary Public
My Commission Expires: _____

Signed, sealed and delivered in our presence as witnesses:

ST. AUGUSTINE PORT,
WATERWAY AND BEACH
DISTRICT

[Signature]
Print Name Michael Frydack

By: [Signature]
Its: [Signature]

[Signature]
Print Name J. Bedsole

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 15 day of Sept. 2016, by Gerald D. Dixon as Chairman of the St. Augustine Port, Waterway and Beach District, on behalf of the District. Who is personally known to me or has produced as identification.

[Signature]
Notary Public
My Commission Expires: _____

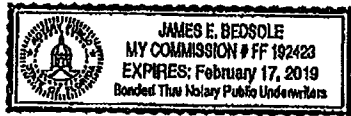


Exhibit "A"

All of Blocks 3 through 15, inclusive, and Blocks 28 through 32, inclusive, together with all of the land in the vacated streets and alleys between said Blocks 3 through 15 and Blocks 28 through 32, the south ½ of that 20 foot alley lying north of said Block 3, and that 20 foot alley lying south of said Block 32 of Summer Haven Subdivision, according to the Plat and Survey of Fractional Sections 30 and 31, Township 9 South, Range 31 East, as recorded in Map Book 1, Page 155, of the public records of St. Johns County, Florida, and the 100 foot right-of-way of Old State Road A-1-A lying in Summerhaven being bounded on the north by the north line of said south ½ of that 20 foot alley lying north of said Block 3 and bounded on the south by the south line of Block 61 of said Summerhaven Subdivision (the "Easement Area").

Exhibit "B"

All of Blocks 8, 9, 12 and 14 and the North 300 feet of Block 15, together with the all of the land in the vacated streets and alleys between said Blocks 8 and 9 and Blocks 14 and 15, Summerhaven Subdivision, according to the Plat and Survey of Fractional Sections 30 and 31, Township 9 South, Range 31 East, as recorded in Map Book 1, page 155, of the public records of St. Johns County, Florida.

Summer Haven TCE Parcels

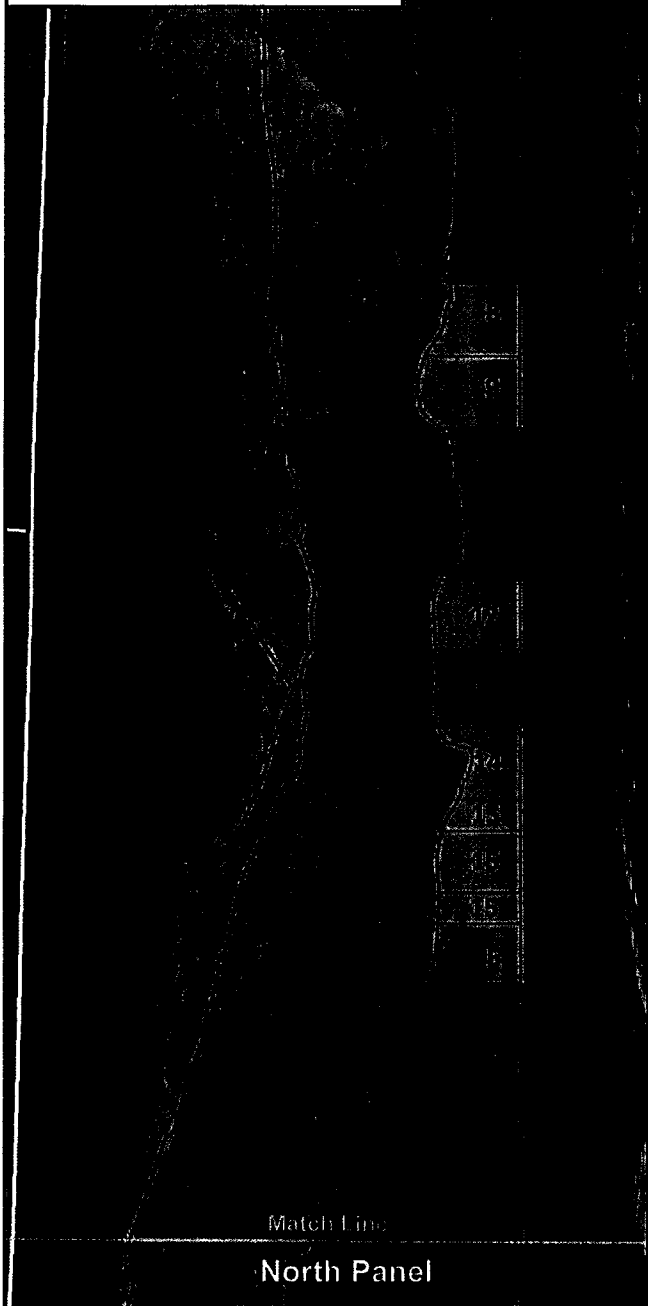
Status



County Owned - Grant Funds

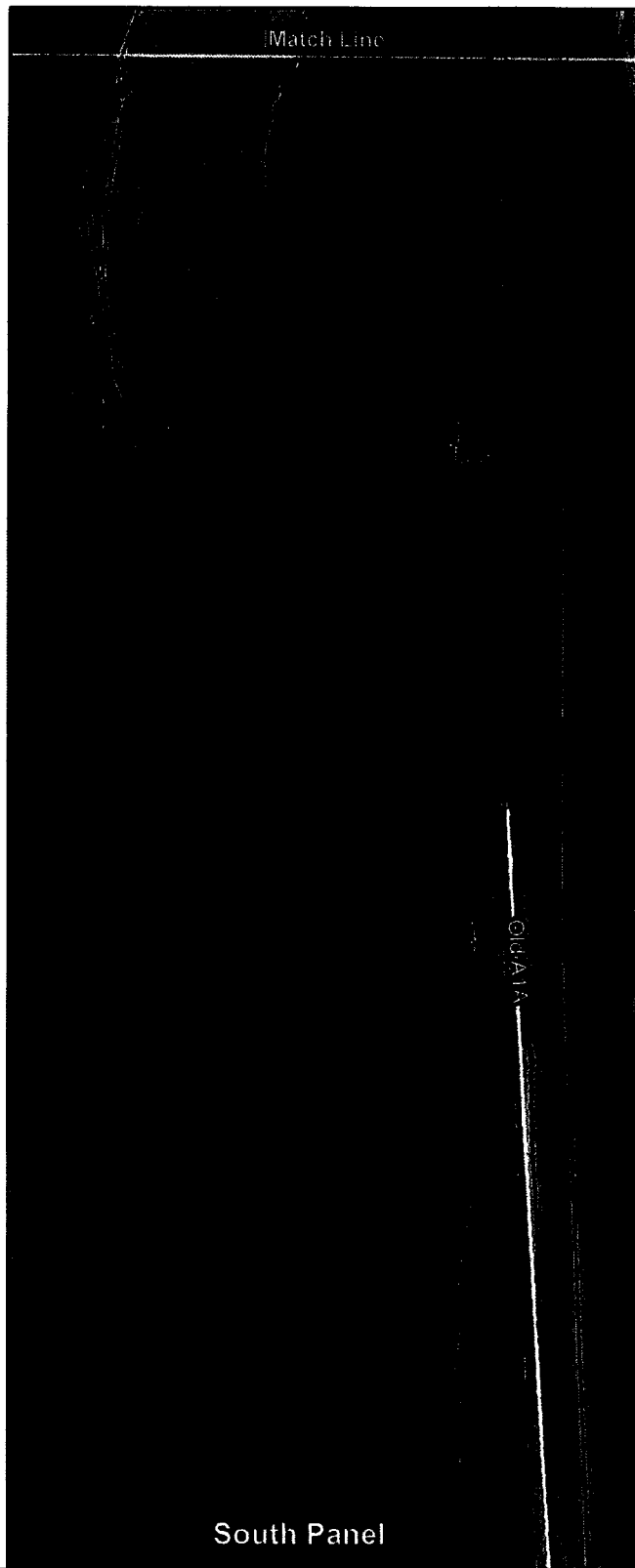


County Owned - Non-Grant



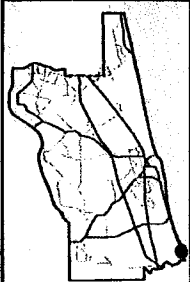
Match Line

North Panel



Match Line

South Panel



2016 Aerial Imagery

0 150 300

Feet

October 17, 2016

Temporary Construction Easement

Summer Haven River Restoration Project

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.

