

RESOLUTION NO. 2016- 50

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A TEMPORARY ACCESS EASEMENT TO A COMMUNICATION ANTENNA TOWER SITE LOCATED OFF PACETTI ROAD IN ST. AUGUSTINE, FLORIDA.

RECITALS

WHEREAS, the St. Johns County Land Development Code (“LDC”), Section 6.08.12, requires the dismantling and removal of antenna towers after abandonment; and,

WHEREAS, Section 6.08.12.S of the LDC conditions approvals to locate or construct antenna towers upon 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, as part of an application to the St. Johns County Growth Management Department to construct an antenna tower site at 3515 Pacetti Road, (*see* TOWER 2015-000003), RG Towers LLC, has submitted a Temporary Access Easement, attached hereto as Exhibit “A” and incorporated herein by reference, to provide the required access.

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 accepts and authorizes the County Administrator, or designee, to execute the attached Temporary Access Easement.

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 16th day of February, 2016.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Jeb S. Smith, Chair

ATTEST: Hunter S. Conrad, Clerk

By: 
Deputy Clerk

RENDITION DATE 2/18/16



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 15th day of JANUARY, 2016, by and between Angela Ortagus Saxon whose address is 4042 Kilmartin Dr, Tallahassee, FL 32309, "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, with the consent of RG Towers LLC. 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 a Lease Agreement, referred to hereinafter as "Agreement", dated 7/21/15, granting RG Towers LLC, 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

Mhisein Compere
Print Witness name Mhisein Compere

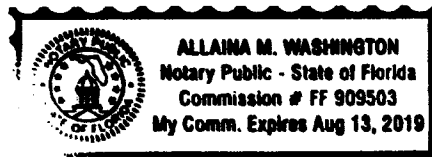
Angela Ortagus Saxon
By: Angela Ortagus Saxon
Print Name: Angela Ortagus Saxon
Title: Fee Simple Owner

Ashtyn Johnson
Print Witness name Ashtyn Johnson

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 15 day of January, 2016, by Angela Ortagus Saxon who is personally known to me.

Allaina Washington
Notary Public
My commission expires: 8/13/19



Signed, sealed and delivered
In the presence of:

Holly Valdez
Print Witness name Holly Valdez

Lisa Richards
Print Witness name Lisa Richards

CONSENTING PARTY

S Richards
By: Scott Richards
Print Name: Scott Richards
Title: CEO-RG Towers LLC

STATE OF FL
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 22nd day of January, 2016, by Scott Richards who is personally known to me. *v.



HOLLY VALDEZ
MY COMMISSION # FF 005211
EXPIRES: August 4, 2017
Bonded Three Budget Notary Services

Holly Valdez
Notary Public
My commission expires: 8/4/17

Signed, sealed and delivered
in the presence of:

Print Name _____

Print Name _____

ST. JOHNS COUNTY, FLORIDA

By: _____
Michael D. Wanchick
County Administrator

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Michael D. Wanchick, County Administrator who is personally known to me.

Notary Public
My commission expires: _____

EXHIBIT A- "Leased Premises"

RG TOWERS LEASE PARCEL

A PARCEL OF LAND BEING A PORTION OF THE PACETTI DONATION, SECTION 37, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PACETTI DONATION (FOUND 5/8" IRON AND CAP - PRM LB 6661);

THENCE ON A GRID BEARING OF N01°01'15"W ALONG THE WEST LINE OF SAID PACETTI DONATION, A DISTANCE OF 2995.75 FEET (SAID LINE REFERENCED BY A FOUND 5/8" IRON ROD AND CAP - LB 4953, AT A DISTANCE OF 3278.55 FEET BEING THE NORTHWEST CORNER OF THE PARENT TRACT);

THENCE N88°58'45"E A DISTANCE OF 264.56 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'00"E A DISTANCE OF 50.00 FEET;

THENCE N90°00'00"E A DISTANCE OF 50.00 FEET;

THENCE S00°00'00"W A DISTANCE OF 50.00 FEET;

THENCE S90°00'00"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND SITUATE WITHIN ST. JOHNS COUNTY, FLORIDA CONTAINING 2,500.00 SQUARE FEET MORE OR LESS.

NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE PACETTI DONATION, SECTION 37, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PACETTI DONATION (FOUND 5/8" IRON AND CAP - PRM LB 6661);

THENCE ON A GRID BEARING OF N01°01'15"W ALONG THE WEST LINE OF SAID PACETTI DONATION, A DISTANCE OF 2995.75 FEET (SAID LINE REFERENCED BY A FOUND 5/8" IRON ROD AND CAP - LB 4953, AT A DISTANCE OF 3278.55 FEET BEING THE NORTHWEST CORNER OF THE PARENT TRACT);

THENCE N88°58'45"E A DISTANCE OF 264.56 FEET;

THENCE N00°00'00"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

THENCE S90°00'00"W A DISTANCE OF 24.20 FEET;

THENCE N02°15'00"W A DISTANCE OF 106.92 FEET;

THENCE N39°50'00"E A DISTANCE OF 60.45 FEET;

THENCE N00°00'00"E A DISTANCE OF 41.19 FEET;

THENCE N45°45'00"E A DISTANCE OF 60.77 FEET;

THENCE N86°00'00"E A DISTANCE OF 159.43 FEET;

THENCE S82°00'00"E A DISTANCE OF 56.37 FEET;

THENCE N66°00'00"E A DISTANCE OF 68.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N79°07'16"E, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF PACETTI ROAD (100 FOOT PUBLIC RIGHT-OF-WAY);

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 02°32'38" AND A RADIUS OF 460.28 FEET FOR AN ARC DISTANCE OF 20.44 FEET (CHORD BEARING = S12°09'03"E AND CHORD DISTANCE = 20.44 FEET) TO A POINT ON A NON-TANGENT LINE;

THENCE S66°00'00"W A DISTANCE OF 69.55 FEET;

THENCE N82°00'00"W A DISTANCE OF 60.00 FEET;

THENCE S86°00'00"W A DISTANCE OF 150.00 FEET;

THENCE S45°45'00"W A DISTANCE OF 45.00 FEET;

THENCE S00°00'00"W A DISTANCE OF 40.00 FEET;

THENCE S39°50'00"W A DISTANCE OF 60.00 FEET;

THENCE S02°15'00"E A DISTANCE OF 80.00 FEET;

THENCE N90°00'00"E A DISTANCE OF 4.97 FEET;

THENCE S00°00'00"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND SITUATE WITHIN ST. JOHNS COUNTY, FLORIDA CONTAINING 10,867.09 SQUARE FEET MORE OR LESS.

EXHIBIT B- "Easement Area"

PARENT TRACT

(PER OFFICIAL RECORD BOOK 3915, PAGE 1368 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA)

A PART OF THE PACETTI DONATION, SECTION THIRTY-SEVEN (37), TOWNSHIP SIX (6) SOUTH, RANGE TWENTY-EIGHT (28) EAST, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PACETTI DONATION AND RUNNING NORTHERLY ALONG THE WEST LINE OF SAID DONATION A DISTANCE OF 55.15 CHAINS TO A STAKE;

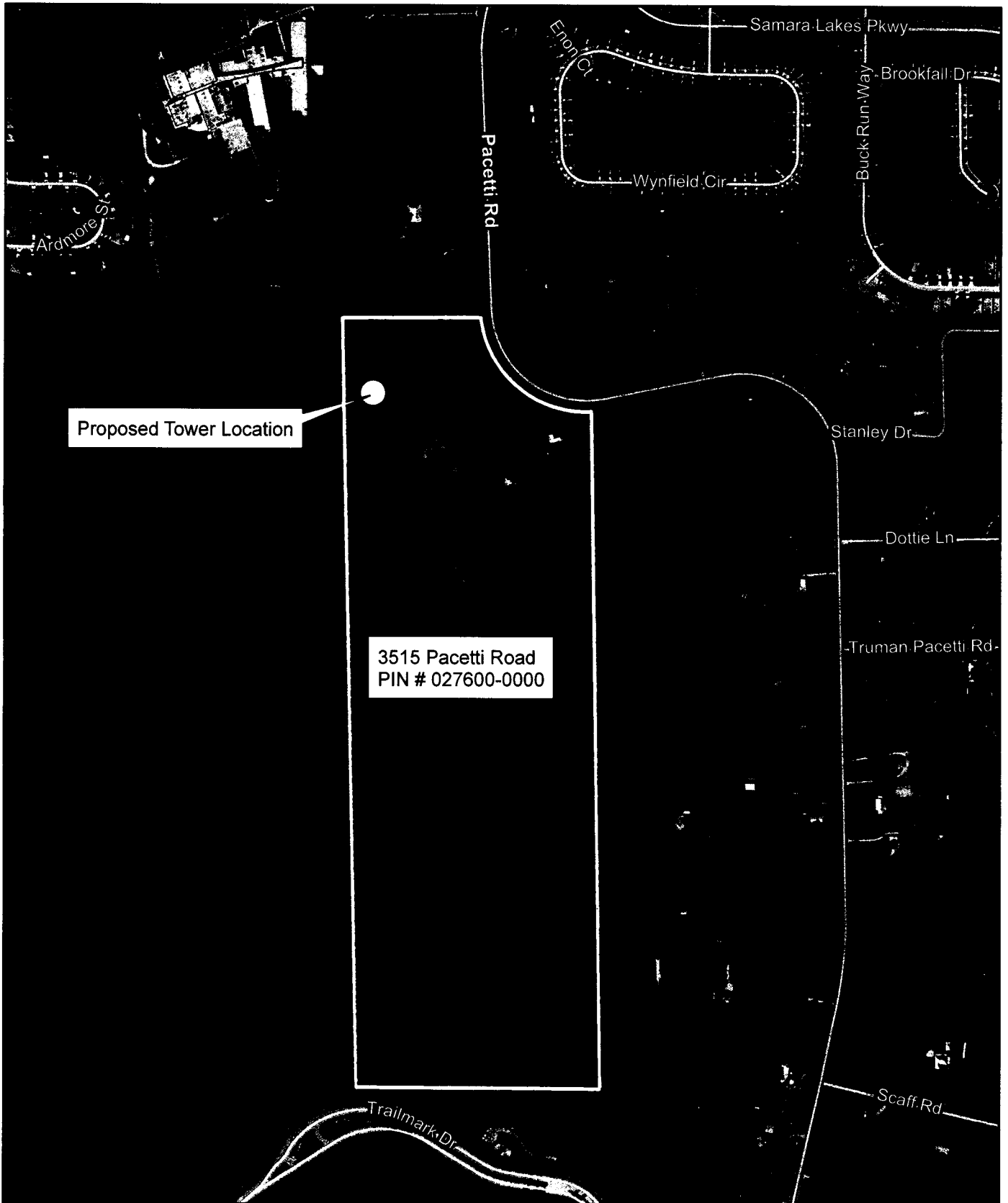
RUN THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF SAID PACETTI DONATION A DISTANCE OF 15.81 CHAINS TO A STAKE;

RUN THENCE SOUTHERLY PARALLEL TO THE WESTERLY LINE OF SAID PACETTI DONATION A DISTANCE OF 55.15 CHAINS TO A STAKE ON THE SOUTH LINE OF SAID PACETTI DONATION;

RUN THENCE WESTERLY ALONG THE SOUTH LINE OF SAID PACETTI DONATION A DISTANCE OF 15.81 CHAINS TO THE POINT OF BEGINNING;

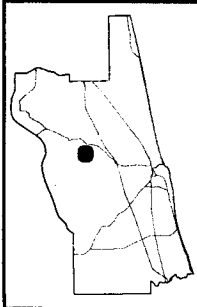
EXCEPTING THEREFROM THE NORTH FOUR HUNDRED AND TEN (410) FEET THEREOF;


THE LAND HEREIN CONVEYED BEING BOUNDED ON THE NORTH BY LAND OF LEWIS PACETTI, ON THE EAST BY LAND OF PETER PACETTI, ON THE SOUTH BY LAND NOW OR FORMERLY OF FULLER, AND ON THE WEST BY LAND OF SHEPHERD.



Proposed Tower Location

3515 Pacetti Road
PIN # 027600-0000




 2013 Aerial Imagery
 0 250 500
 Feet
 January 25, 2016

PROPOSED CELL TOWER
3515 Pacetti Road

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.

