

RESOLUTION NO. 2016-68

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A PERMANENT CONSTRUCTION EASEMENT AGREEMENT BY AND BETWEEN ST. JOHNS COUNTY AND THE FLORIDA INLAND NAVIGATION DISTRICT, FOR THE PLACEMENT OF SAND RESULTING FROM DREDGING THE INTRACOASTAL WATERWAY OR WATERWAYS CONNECTED THERETO, AND THE USE OF PIPES AND CONSTRUCTION EQUIPMENT IN CONNECTION THEREWITH, IN, UPON, OVER AND THROUGH THE FOLLOWING DESCRIBED LAND IN ST. JOHNS COUNTY, FLORIDA BY FLORIDA INLAND NAVIGATION DISTRICT'S EXPENSE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY.

WHEREAS, Florida Inland Navigation District (FIND) desires to enter into a Permanent Construction Easement Agreement with St. Johns County, Florida (County) the Florida Inland Navigation District (FIND), in order that FIND may enter upon and use from time to time, for the placement of sand resulting from dredging the Intracoastal Waterway or waterways connected thereto, and the use of pipes and construction equipment in connection therewith, in, upon, over and through the following described land in St. Johns County, Florida, more particularly described as:

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 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, 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").

WHEREAS, That the County, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them in hand paid by FIND, the receipt of which is hereby acknowledged, gives, grants, bargains and releases to the County, its successors and assigns, a permanent, non-exclusive construction easement to enter upon and use the County's property; and

WHEREAS, 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. Additionally no staging activities shall be conducted on certain parcels as specified in the

Easement. Upon conclusion of the work, all pipes and 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 and sea oats. This easement may be assigned, either periodically or permanently, to the U.S. Army Corps of Engineers ("USACOE"), and may be used by the contractors of either the Grantor or USACOE; and

WHEREAS, the County has reviewed the terms, provisions, conditions, and requirements of the Permanent Construction Easement (attached hereto, and incorporated herein); and

WHEREAS, the County has determined that accepting the terms of the Permanent Construction Easement, and entering into said Permanent Construction Easement Agreement will serve the interests of the 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 hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of the Permanent Construction Easement, attached hereto and incorporated herein, between St. Johns County and the Florida Inland Navigation District, and authorizes the County Administrator to execute the Permanent Construction Easement on behalf of St. Johns County.

Section 3. The Board of County Commissioners further authorizes the County Administrator, or designee, to execute any supplemental paperwork/documentation necessary to accomplish the overall goal set forth in the Agreement.

Section 4. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 15th day of, March 2016.

ATTEST: Hunter S. Conrad, Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Pam Halterman
Deputy Clerk

By: Jeb S. Smith
Jeb S. Smith, Chair

Rendition Date: 3/17/16

Effective Date: 3/15/16



This instrument prepared by:
Peter L. Breton, Esq.
605 North Olive Ave., 2nd Floor
West Palm Beach, FL 33401

PERMANENT WORK AREA EASEMENT

THIS PERMANENT WORK AREA EASEMENT is made this ____ day of _____, 201__, between ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, FL 32084 ("Grantor") and FLORIDA INLAND NAVIGATION DISTRICT, an independent special taxing district of the State of Florida, whose address is 1314 Marcinski Road, Jupiter, FL 33477 ("Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them in hand paid by the Grantee, the receipt of which is hereby acknowledged, gives, grants, bargains and releases to the Grantee, its successors and assigns, a permanent, non-exclusive work area easement to enter upon and use the Grantor's property as described below for the placement of sand from dredging the Intracoastal Waterway and the uses of pipes and 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:

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 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, 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").

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 A, 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, Florida Fish and Wildlife Conservation

Commission, and United States Fish and Wildlife Service according to all required permit conditions. Upon conclusion of the work, all pipes and 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. This easement will be certified to the U.S. Army Corps of Engineers ("USACOE"), and may be used by the contractors of either the Grantee or USACOE.

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

Signed and Sealed in Our Presence:

ST. JOHNS COUNTY, FLORIDA

(1) _____

By: _____

Print name

Name: _____

(2) _____

Title: _____

Print name

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 201__,
by _____ as _____ of St. Johns County, Florida,
on behalf of the County, and he/she is ___ personally known to me or ___ has produced
_____ as identification.



(NOTARY SEAL)

Notary Public
My commission expires: _____

EXHIBIT A

Summer Haven North Parcels

Status

-  County Owned - Grant Funds
-  County Owned - Non-Grant



2014 Aerial Imagery
0 100 200
Feet
January 13, 2016

Summer Haven *North Parcels*

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.

