

RESOLUTION NO. 2017- 233

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN AMENDMENT TO GRANT OF DRAINAGE EASEMENT TO DRAIN STORMWATER RUN-OFF FROM COUNTY ROAD 210 IN CONNECTION WITH THE TWIN CREEKS DRI AND AUTHORIZING THE COUNTY ADMINISTRATOR TO JOIN IN THE EXECUTION OF THE EASEMENT.

RECITALS

WHEREAS, Twin Creeks Development Associates, LLC., a Florida limited liability company, executed the Grant of Easement recorded in Official Records Book 4127, page 333 per Resolution No. 2015-378; and

WHEREAS, they are requesting an Amendment to Grant of Drainage Easement, to relocate the pond and revise the legal description slightly, more particularly described in Exhibit "A," attached hereto incorporated and made a part hereof; and

WHEREAS, the easement will allow the County to drain stormwater run-off from County Road 210 into this drainage pond in connection with the Twin Creeks DRI.

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 and authorizes the County Administrator to join in the Amended and Restated Grant of Drainage Easement.

Section 3. To the extent that there are typographical 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 original Amendment to Grant of Drainage Easement.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James K. Johns, Chair

ATTEST: Hunter S. Conrad, Clerk
By: Pam Halterman
Deputy Clerk

RENDITION DATE 7/20/17



EXHIBIT "A" TO RESOLUTION

Prepared by and after Recording
Return to:
Zelica Quigley, Esq.
Broad and Cassel
7777 Glades Road
Suite 300
Boca Raton, Florida 33434

**AMENDMENT TO GRANT OF DRAINAGE EASEMENT
(Portion of Pond 4)**

THIS AMENDMENT TO GRANT OF DRAINAGE EASEMENT (this "Amendment"), made this ____ day of _____, 2017, between **TWIN CREEKS DEVELOPMENT ASSOCIATES, LLC**, a Florida limited liability company, whose address is 100 East Linton Boulevard, Suite 211B, Delray Beach, Florida 33483 ("TCDA"), **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 (the "County"), and **HEARTWOOD 23, LLC**, a Florida limited liability company ("Heartwood").

BACKGROUND

A. South Jacksonville Properties, LLC, a Florida limited liability company, the County and Heartwood entered into that certain Grant of Drainage Easement (Portion of Pond 4) recorded December 22, 2015 in Official Records Book 4127, Page 333 of the Public Records of St. Johns County, Florida (the "Drainage Easement").

B. TCDA is the current owner of the Easement Area.

C. The parties desire to amend the Drainage Easement to revise the legal description for the Heartwood Pond 4 Property which is benefitted by the Drainage Easement.

NOW THEREFORE, in consideration of the above premises and of the covenants herein contained, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby expressly acknowledged by the parties, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

2. **Definitions.** Any capitalized terms not otherwise defined in this Amendment shall have the meaning as provided in the Drainage Easement.

3. **Amendment.** EXHIBIT "A" to the Drainage Easement is hereby deleted in its entirety and replaced with EXHIBIT "A" attached hereto. The property described on EXHIBIT "A" attached hereto shall hereinafter be the Heartwood Pond 4 Property.

4. **Drainage Pond/Heartwood Pond 4.** Heartwood shall be responsible for constructing the Drainage Pond and the Heartwood Pond 4 prior to the time that the County requires the use of the Drainage Pond and the Heartwood Pond 4 to drain stormwater run-off from County Road 210. If Heartwood has not constructed the Drainage Pond and the Heartwood Pond 4 prior to the foregoing time period, then TCDA shall have the right to construct the same and the costs for which shall be reimbursed by Heartwood upon request from TCDA. Heartwood hereby grants to TCDA a construction easement to enter upon and use the Heartwood Pond 4 Property for purposes of constructing the Heartwood Pond 4 and related drainage pipes and structures for the acceptance of stormwater run-off from County Road 210.

5. **Ratification.** Except as expressly modified hereby, the Drainage Easement shall remain in full force and effect in accordance with its terms.

6. **Severability.** The invalidity of any provision contained in this Amendment shall not affect the remaining provisions of this Amendment, provided that such remaining portions remain consistent with the intent of this Amendment, and do not violate Florida law, which shall govern this Amendment.

7. **Counterparts.** This Amendment may be executed in counterparts each of which shall constitute an original and together shall constitute one and the same instrument.

[SIGNATURES APPEARS ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the said Grantor, the County and Heartwood have hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

TWIN CREEKS DEVELOPMENT ASSOCIATES, LLC, a Florida limited liability company

Witness #1
Printed Name: _____

By: _____
John T. Kinsey, Manager

Witness #2
Printed Name: _____

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by John T. Kinsey, as Manager of Twin Creeks Development Associates, LLC, who is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires: _____

Signed, sealed and delivered in the presence of:

ST. JOHNS COUNTY, FLORIDA, a
political subdivision of the State of Florida

Witness #1
Printed Name: _____

By: _____
Name: _____
Title: _____

Witness #2
Printed Name: _____

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ of St. Johns County, Florida, a political subdivision of the State of Florida, who is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires: _____

Signed, sealed and delivered in the presence of:

HEARTWOOD 23, LLC, a Florida limited liability company

Witness #1
Printed Name: _____

By: _____
Name: _____
Title: _____

Witness #2
Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as Manager of Heartwood 23, LLC, who is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires: _____

EXHIBIT "A"

Heartwood Pond 4 Property

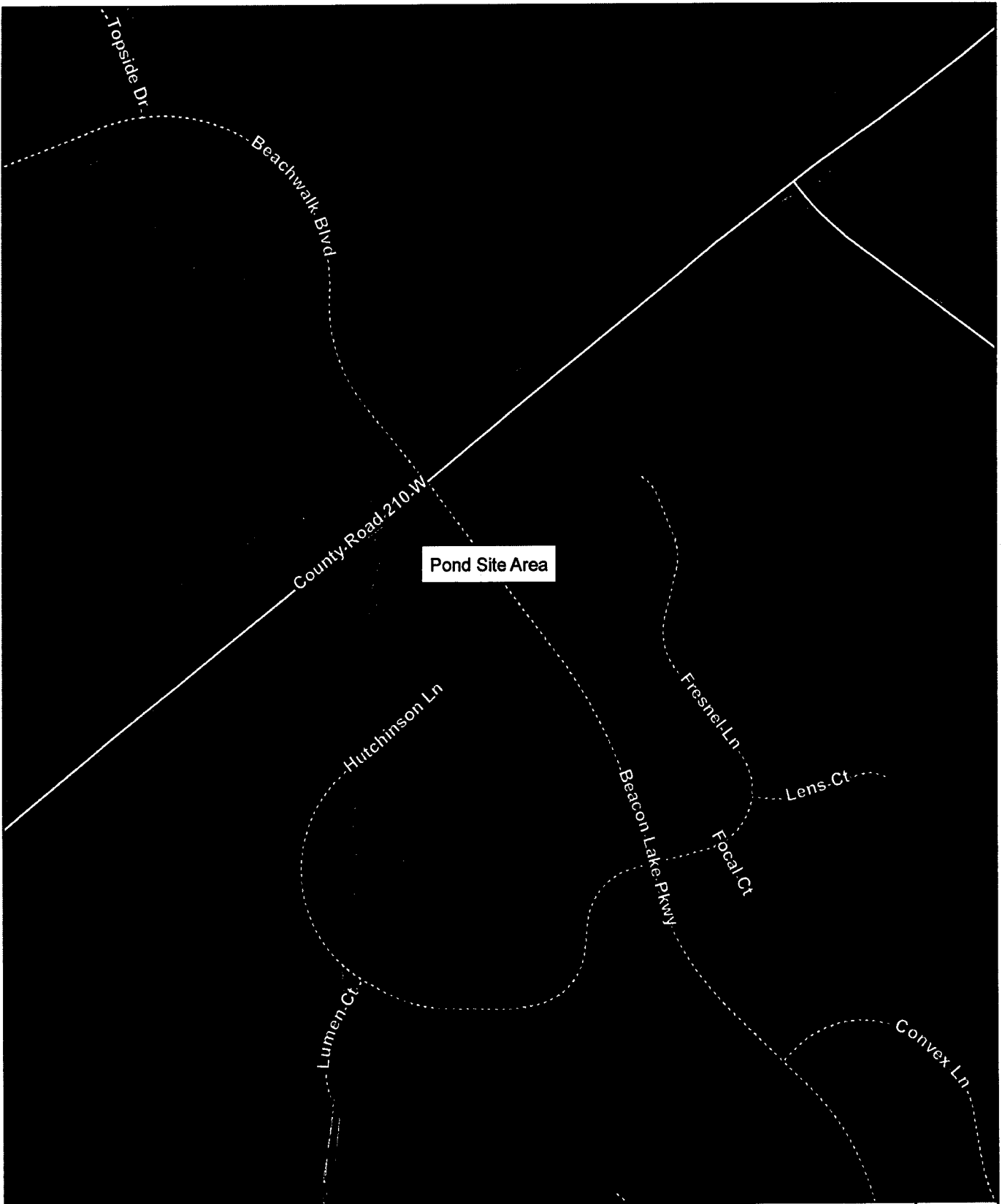
DRAINAGE EASEMENT

A PORTION OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

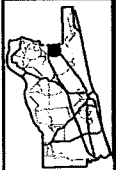
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 00°48'41" WEST, ALONG THE WESTERLY LINE OF SAID SECTION 10, A DISTANCE OF 376.92 FEET, TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 210, (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED PURSUANT TO DEED RECORDED IN OFFICIAL RECORDS BOOK 4252, PAGE 1560 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA); THENCE NORTH 51°03'23" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, 3461.54 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 51°03'23" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, 722.54 FEET; THENCE SOUTH 38°56'37" EAST, 49.91 FEET, TO THE ARC OF A CURVE LEADING EASTERLY; THENCE EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 100.00 FEET, AN ARC DISTANCE OF 78.58 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 73°33'36" EAST, 76.57 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 83°55'48" EAST, 154.60 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHEASTERLY; THENCE SOUTHEASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 100.00 FEET, AN ARC DISTANCE OF 81.10 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 60°41'44" EAST, 78.90 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 37°27'40" EAST, 29.68 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 114.13 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 27°55'59" WEST, 90.92 FEET, TO THE POINT OF REVERSE CURVATURE OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 235.00 FEET, AN ARC DISTANCE OF 295.47 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 57°18'27" WEST, 276.39 FEET, TO THE POINT OF REVERSE CURVATURE OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 300.00 FEET, AN ARC DISTANCE OF 133.53 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 34°02'22" WEST, 132.43 FEET, TO THE POINT OF COMPOUND CURVATURE OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 840.00 FEET, AN ARC DISTANCE OF 88.36 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 49°48'15" WEST, 88.32 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 52°49'04" WEST, 109.63 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 41.79 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH

04°56'02" WEST, 37.09 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 42°57'00" EAST, 96.67 FEET, TO THE ARC OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 441.37 FEET, AN ARC DISTANCE OF 268.81 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 27°56'36" WEST, 264.68 FEET; THENCE NORTH 79°32'07" WEST, 94.67 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 40.44 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 54°07'32" WEST, 36.17 FEET, TO THE POINT OF COMPOUND CURVATURE OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 560.00 FEET, AN ARC DISTANCE OF 195.21 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 02°12'00" EAST, 194.22 FEET, TO THE POINT OF REVERSE CURVATURE OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 55.00 FEET, AN ARC DISTANCE OF 26.41 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 01°34'19" WEST, 26.16 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 15°19'48" WEST, 32.89 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 55.00 FEET, AN ARC DISTANCE OF 7.76 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 19°22'22" WEST, 7.76 FEET; THENCE SOUTH 66°35'04" EAST, 30.85 FEET; THENCE SOUTH 15°19'48" WEST, 23.95 FEET; THENCE NORTH 55°08'44" WEST, 52.24 FEET; THENCE NORTH 29°44'42" WEST, 64.50 FEET; THENCE NORTH 67°40'17" WEST, 60.54 FEET; THENCE SOUTH 52°25'53" WEST, 32.80 FEET; THENCE SOUTH 27°15'19" WEST, 37.12 FEET; THENCE NORTH 85°41'02" WEST, 29.82 FEET; THENCE NORTH 08°51'32" WEST, 40.68 FEET; THENCE NORTH 19°37'38" EAST, 20.45 FEET; THENCE NORTH 51°22'44" EAST, 25.05 FEET; THENCE NORTH 65°20'11" EAST, 28.96 FEET; THENCE NORTH 19°17'30" EAST, 42.80 FEET; THENCE NORTH 18°50'09" WEST, 68.04 FEET; THENCE NORTH 34°48'19" WEST, 47.11 FEET; THENCE NORTH 12°22'36" EAST, 147.91 FEET; THENCE NORTH 63°26'06" EAST, 106.50 FEET; THENCE NORTH 29°53'56" WEST, 123.14 FEET; THENCE NORTH 12°22'36" EAST, 93.88 FEET; THENCE NORTH 63°35'00" WEST, 146.05 FEET, TO THE POINT OF BEGINNING.

CONTAINING 8.64 ACRES, MORE OR LESS.



Pond Site Area



2013 Aerial Imagery
 0 100 Feet
 July 3, 2017

TWIN CREEKS
 Pond 4

Land Mgmt. Systems
 Real Estate Division
 209-0796
 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.

