

RESOLUTION NO. 2018- 254

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A FINAL RELEASE OF LIEN, WARRANTY, EASEMENT FOR UTILITIES, A SPECIAL WARRANTY DEED, AND BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE REUSE, WATER, SEWER, AND SEWER FORCE MAIN SYSTEMS TO SERVE TOMOKA PINES LOCATED OFF STATE ROAD 16.

RECITALS

WHEREAS, KB Home Jacksonville LLC, a Delaware limited liability company, has executed and presented to the County a Special Warranty Deed, an Easement for Utilities, and a Bill of Sale and Schedule of Values, attached hereto as Exhibits "A", "B", and "C", incorporated by reference and made a part hereof, conveying all personal property associated with the reuse, water, sewer, and sewer force main systems to serve Tomoka Pines located off State Road 16; and

WHEREAS, Burnham Construction, Inc., a Florida corporation, has executed and presented to the County a Final Release of Lien and a Warranty for work performed at Tomoka Pines, attached hereto as Exhibits "D," and "E", incorporated by reference and made a part hereof; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "F," incorporated by reference and made a part hereof.

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 above described Special Warranty Deed, Easement for Utilities, Bill of Sale and Schedule of Values, Final Release of Lien, and Warranty, attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. To the extent that there are typographical, scrivener 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 of the Court is instructed to record the original Special Warranty Deed, Easement for Utilities and Final Release of Lien and file the Warranty and Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 21st day of August, 2018.

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

By: 
Henry Dean, Chair

ATTEST: Hunter S. Conrad, Clerk


Deputy Clerk

RENDITION DATE 8/24/18

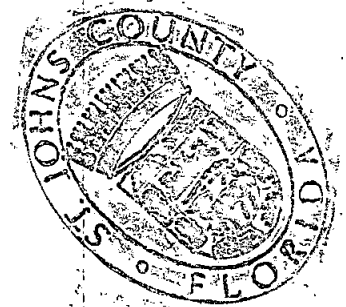


EXHIBIT "A" TO RESOLUTION

This Instrument Prepared By:

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated 28th day of February 2018 is by and from KB Home Jacksonville LLC, whose address is 10475 Fortune Parkway, Suite 100, Jacksonville, FL 32256, hereinafter called the Grantor, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called the Grantee.

(Whenever used herein the terms "Grantor and Grantee" shall include all of the parties of this instrument and their heirs, legal representatives, successors and assigns.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in the County of St. Johns, State of Florida, being more particularly described as follows:

Tract "E" of the Tomoka Pines plat as recorded in Map Book 89, Pages 24-28.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same in fee simple forever.

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming, by through or under the Grantor, but against none other; provided that this conveyance is made subject to ad valorem property taxes accruing subsequent to December 31, 2014; and covenants, restrictions and easements of record; however, such references shall not serve to reimpose the same.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

D.C.
Print Name: Derek Citino

TJ
Print Name: Thomas Jinks

KB HOME JACKSONVILLE LLC, a
Delaware limited liability company

By: *T.H.*
Todd Holder, President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 1st day of March, 2018 by Todd Holder, KB Home Jacksonville LLC its President who is personally known to me or has produced _____ as identification.

D.S.C.
Notary Public

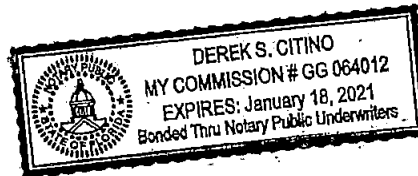


EXHIBIT "B" TO RESOLUTION

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 29th day of JANUARY, 2018 by KB Homes Jacksonville, with an address of 10475 Fortune Parkway, Suite 100, Jax., FL 32256, hereinafter called "Grantor" to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine FL 32084, hereinafter called "Grantee".

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor agrees as follows:

1. Grantor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground water distribution system, reuse distribution system, gravity sewer collection system, lift stations & sewer force mains and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. This easement is for water, reuse and/or sewer utility services only and does not convey any right to install other utilities such as cable television service lines.

TO HAVE AND TO HOLD, unto Grantee, his successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record:

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocating the underground water and sewer utility lines and facilities located within the Easement area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.

(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. (a) WATER SYSTEM - The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

(b) PUMP STATION & SEWER FORCE MAINS - Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains located within the Easement Area.

(c) GRAVITY SEWER SYSTEM - Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals; The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service laterals. Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals.

(d) REUSE SYSTEM - The Grantee shall maintain all reuse mains and other elements of the reuse distribution system up to and including the reuse meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any reuse lines between the reuse meter and the improvements served by the utility system.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding of and be binding upon Grantee and its successors and assigns.

5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seals to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered
In the presence of:

[Signature]
Witness

Thomas Jinks
Print Name

[Signature]
Witness

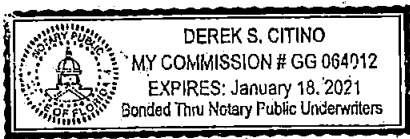
Leigh Ann Purvines
Print Name

KB Home Jacksonville, LLC

By: [Signature]
Its: VP OF LAND DEVELOPMENT

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 29th day of January, 2018, by Wes Hinton who is personally known to me or has produced _____ as identification.



[Signature]
Notary Public

EXHIBIT "A"

EASEMENT AREA

The easement area granted by this easement document shall include all project roads and drives, all areas designated "utility easements areas" and/or "SJCUD", all within the plat of Tomoka Pines, recorded in Map Book 89 Page 24-28 of the public records of St. Johns County, Florida.

EXHIBIT "C" TO RESOLUTION



BILL OF SALE
UTILITY IMPROVEMENTS
for

Tomoka Pines

KB Home Jacksonville, 10475 Fortune Parkway, Suite 100, Jax., FL 32256 (the "Seller") for and in consideration of the sum of Ten and No/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to **ST. JOHNS. COUNTY, FLORIDA**, a political subdivision of the State of Florida, the following personal property:

"SEE EXHIBIT A SCHEDULE OF VALUES FOR TOMOKA PINES"

The Seller does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good rights to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this 29 of Jan., 2018

WITNESS:

[Signature]
Witness Signature

Thomas Jinks
Print Witness Name

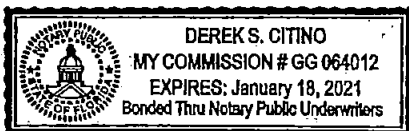
OWNER:

[Signature]
Owner's Signature

WES HINTON
Print Owner's Name

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 29th day of January, 2018, by Wes Hinton who is personally known to me or has produced _____ as identification.



[Signature]
Notary Public

EXHIBIT "A" TO BILL OF SALE

St. Johns County Utility Department
 Asset Management
 Schedule of Values

EXHIBIT A



Project Name: Tomoka Pines
 Contractor: Burnham Construction Inc.
 Developer: KB Homes

	UNIT	QUANTITY	UNIT COST	TOTAL COST
Water Mains (Size, Type & Pipe Class)				
8" PVC (C900, DR18)	LF	1260	\$ 25.00	\$ 31,500.00
6" PVC (C900, DR18)	LF	460	\$ 18.00	\$ 8,280.00
2" (HDPE CTS DR9)	LF	200	\$ 8.00	\$ 1,600.00
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Water Valves (Size and Type)				
8" Gate Valve	Ea	4	\$ 1,520.00	\$ 6,080.00
8" Tapping Valve	Ea	1	\$ 1,520.00	\$ 1,520.00
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Hydrants Assembly (Size and Type)				
Fire Hydrant Assembly	Ea	4	\$ 3,800.00	\$ 15,200.00
2" Flushing Hydrant	Ea	1	\$ 535.00	\$ 535.00
			\$ -	\$ -
Services (Size and Type)				
Double Long Services	Ea	12	\$ 847.00	\$ 10,164.00
Single Short Services	Ea	19	\$ 653.00	\$ 12,407.00
Single Long Services	Ea	3	\$ 696.00	\$ 2,088.00
			\$ -	\$ -
Total Water System Cost				\$ 89,374.00



St. Johns County Utility Department

Asset Management
Schedule of Values

EXHIBIT A

Project Name: Tomoka Pines
 Contractor: Burnham Construction Inc.
 Developer: KB Homes

	UNIT	QUANTITY	UNIT COST	TOTAL COST
Force Mains (Size, Type & Pipe Class)				
3" PVC (C900, DR25)	LF	2032	\$ 24.00	\$ 48,768.00
12" PVC (C900, DR18)	LF	700	\$ 39.00	\$ 27,300.00
Sewer Valves (Size and Type)				
12" Tapping Valve	EA	1	\$ 5,300.00	\$ 5,300.00
8" Gate Valve	EA	2	\$ 3,900.00	\$ 7,800.00
Gravity Mains (Size, Type & Pipe Class)				
8" SDR-35 PVC	LF	1766	\$ 36.50	\$ 64,459.00
Laterals (Size and Type)				
6" SDR-35 PVC	EA	45	\$ 935.00	\$ 42,075.00
Manholes (Size and Type)				
Manhole Ty A 4-6 foot deep	EA	1	\$ 3,200.00	\$ 3,200.00
Manhole Ty A 6-8 foot deep	EA	2	\$ 3,600.00	\$ 7,200.00
Manhole Ty A 8-10 foot deep	EA	2	\$ 4,500.00	\$ 9,000.00
Manhole Ty A 10-12 foot deep	EA	1	\$ 6,500.00	\$ 6,500.00
Manhole Ty A > 12 foot deep	EA	2	\$ 6,500.00	\$ 13,000.00
Lift Station				
Mechanical Equipment	Lump Sum	1	\$ 65,000.00	\$ 65,000.00
Process Piping	Lump Sum	1	\$ 38,000.00	\$ 38,000.00
Process Structure	Lump Sum	1	\$ 27,000.00	\$ 27,000.00
Process Electrical Equipment	Lump Sum	1	\$ 35,000.00	\$ 35,000.00
Other Improvements	Lump Sum	1	\$ 35,000.00	\$ 35,000.00
Total Sewer System Cost				\$ 434,602.00



St. Johns County Utility Department
Asset Management
Schedule of Values

EXHIBIT A

Project Name: Tomoka Pines
 Contractor: Burnham Construction Inc.
 Developer: KB Homes

	UNIT	QUANTITY	UNIT COST	TOTAL COST
Reuse Mains (Size, Type & Pipe Class)				
8" PVC (C900, DR18)	LF	700	\$ 29.00	\$ 20,300.00
6" PVC (C900, DR18)	LF	1740	\$ 19.00	\$ 33,060.00
4" PVC (C900, DR18)	LF	220	\$ 14.00	\$ 3,080.00
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Reuse Valves (Size and Type)				
8" Gate Valve	Ea	3	\$ 1,600.00	\$ 4,800.00
6" Gate Valve	Ea	4	\$ 1,190.00	\$ 4,760.00
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Hydrants (Size and Type)				
2" Flushing Hydrant	Ea	1	\$ 550.00	\$ 550.00
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Services (Size and Type)				
Double Long Services	Ea	7	\$ 809.00	\$ 5,663.00
Single Short Services	Ea	26	\$ 623.00	\$ 16,198.00
Single Long Services	Ea	4	\$ 679.00	\$ 2,716.00
	Ea		\$ -	\$ -
Total Reuse System Cost				\$ 91,127.00

EXHIBIT "D" TO RESOLUTION



FINAL RELEASE OF LIEN

UTILITY IMPROVEMENTS

The undersigned lienor, in consideration of the sum \$615,103.00 hereby waives and releases its lien and right to claim a lien for Water and Sewer labor, services or materials furnished through January 24, 2018 to KB Home Jacksonville, LLC to the following described property:

“See Exhibit A Schedule of Values for Tomoka Pines Subdivision”

The waiver and release does not cover any retention or labor, services, or materials furnished after the date specified.

IN WITNESS WHEREOF, the Lienor has caused this instrument to be duly executed and delivered by its duly authorized office on this ___ of ___, ___.

WITNESS:

Tyler Mobley
Witness Signature

Tyler Mobley
Print Witness Name

OWNER:

David Burnham
Lienor's Signature

David Burnham
Print Lienor's Name

State of Florida
County of Baker

The foregoing instrument was acknowledged before me this 26 day of June, 2018, by David M. Burnham who is personally known to me or has produced identification. _____ as

Lindsey Marrujo
Notary Public



LINDSEY ANN MARRUJO
MY COMMISSION # GG 006190
EXPIRES: June 27, 2020
Bonded Thru Budget Notary Services



EXHIBIT "A" TO FINAL RELEASE OF LIEN
St. Johns County Utility Department
 Asset Management
 Schedule of Values

EXHIBIT A

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 Contractor: Burnham Construction Inc.
 Developer: KB Homes

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2" (HDPE CTS DR9)	LF	200	\$ 8.00	\$ 1,600.00
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Water Valves (Size and Type)				
8" Gate Valve	Ea	4	\$ 1,520.00	\$ 6,080.00
8" Tapping Valve	Ea	1	\$ 1,520.00	\$ 1,520.00
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Hydrants/Assembly (Size and Type)				
Fire Hydrant Assembly	Ea	4	\$ 3,800.00	\$ 15,200.00
2" Flushing Hydrant	Ea	1	\$ 535.00	\$ 535.00
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Single Long Services	Ea	3	\$ 696.00	\$ 2,088.00
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Total Water System Cost				\$ 89,374.00



St. Johns County Utility Department
 Asset Management
 Schedule of Values

EXHIBIT A

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 Developer: KB Homes

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Manhole Ty A 8-10 foot deep	EA	2	\$ 4,500.00	\$ 9,000.00
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Lift Station				
Mechanical Equipment	Lump Sum	1	\$ 65,000.00	\$ 65,000.00
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Process Structure	Lump Sum	1	\$ 27,000.00	\$ 27,000.00
Process Electrical Equipment	Lump Sum	1	\$ 35,000.00	\$ 35,000.00
Other Improvements	Lump Sum	1	\$ 35,000.00	\$ 35,000.00
Total Sewer System Cost				\$ 434,602.00



St. Johns County Utility Department
Asset Management
Schedule of Values

EXHIBIT A

Project Name: Tomoka Pines
 Contractor: Burnham Construction Inc.
 Developer: KB Homes

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	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Hydrants (Size and Type)				
2" Flushing Hydrant	Ea	1	\$ 550.00	\$ 550.00
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	Ea		\$ -	\$ -
Sevices (Size and Type)				
Double Long Services	Ea	7	\$ 809.00	\$ 5,663.00
Single Short Services	Ea	26	\$ 623.00	\$ 16,198.00
Single Long Services	Ea	4	\$ 679.00	\$ 2,716.00
	Ea		\$ -	\$ -
Total Reuse System Cost				\$ 91,127.00

EXHIBIT "F" TO RESOLUTION



St. Johns County Board of County Commissioners

Utility Department

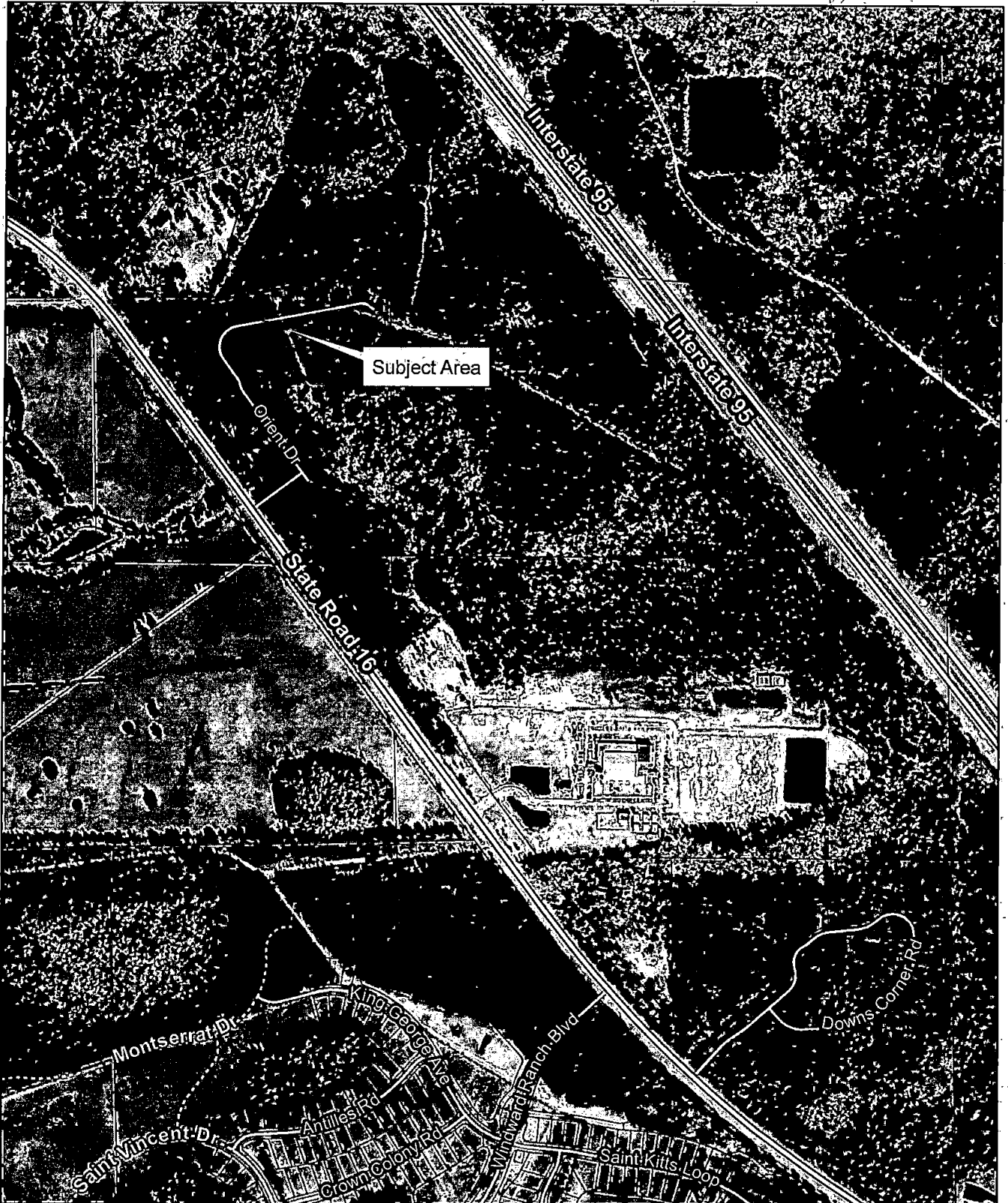
INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Tomoka Pines
DATE: April 13, 2018

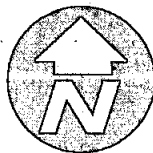
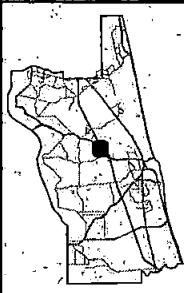
Please present the Easement, Bill of Sale, Schedule of Values, Release of Lien, Warranty, and Warranty Deed to the Board of County Commissioners (BCC) for final approval and acceptance of Tomoka Pines.

After acceptance by BCC, please provide the Utility Department with a copy of the executed resolution for our files.

Your support and cooperation as always are greatly appreciated.



Subject Area



2013 Aerial Imagery

0 250 500

Feet
June 15, 2018

Easement, Bill of Sale,
Warranty, Final Release of Lien
and Special Warranty Deed

Tomoka Pines

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.

