

RESOLUTION NO. 2018- 414

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES ASSOCIATED WITH THE WATER SYSTEM TO SERVE THE PALENCIA CIRCLE K LOCATED OFF US 1 NORTH AND INTERNATIONAL GOLF PARKWAY.

RECITALS

WHEREAS, Anastasia Plaza Leasing, LLC, a Florida limited liability company, has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, associated with the water system to serve the Palencia Circle K located off US 1 North and International Golf Parkway; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "B," 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 Easement for Utilities, attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

Section 3. To the extent that there are typographical, scrivener's 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 Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 4 day of December, 2018.

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

By: Paul M. Waldron
Paul M. Waldron, Chair

ATTEST: Hunter S. Conrad, Clerk

Sam Halterman
Deputy Clerk

RENDITION DATE 12/6/18

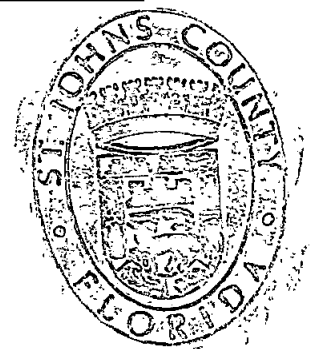


EXHIBIT "A" TO RESOLUTION

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 23 day of March, 2018 by Anastasia Plaza Leasing, LLC, with an address of 1392 Moss Creek Drive, Jacksonville, FL 32225, 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 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 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.

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

By: James R. Pitcairn, III
Its: Manager

[Signature]

PHILIP L. O'BRIEN
Print Name

[Signature]
Witness

Edward L. Franklin
Print Name

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 23rd day of March, 2018, by James Pitcairn who is personally known to me or has produced Florida DL as identification.

[Signature]
Notary Public




LEGAL DESCRIPTION TO ACCOMPANY SKETCH
 BEING A PORTION OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 29 EAST
 ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST JOHNS COUNTY FL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF SHANNON ROAD AND THE WESTERLY CORNER OF PASEO REYES DRIVE (60' PUBLIC R/W) PER PASEO REYES PHASE TWO AS RECORDED IN MAP BOOK 58, PAGES 7 & 8 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE RUN ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID PASEO REYES DRIVE THE FOLLOWING THREE CALLS; NORTH 84°17'10" EAST, A DISTANCE OF 28.08 FEET; THENCE SOUTH 50°19'33" EAST, A DISTANCE OF 38.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 50°19'33" EAST, A DISTANCE OF 5.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 39°40'27" WEST, A DISTANCE OF 11.00 FEET; THENCE NORTH 50°19'33" WEST, A DISTANCE OF 5.00 FEET; THENCE NORTH 39°40'27" EAST, A DISTANCE OF 11.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PASEO REYES DRIVE AND THE POINT OF BEGINNING. CONTAINING 55 SQUARE FEET, OR 0.00126 ACRES, MORE OR LESS.

LEGEND

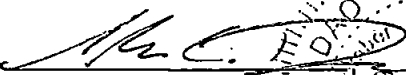
LB = LICENSED BUSINESS	PGS. = PAGES.
LS = LICENSED SURVEYOR	O.R.B. = OFFICIAL RECORDS BOOK
LTD. = LIMITED	P.O.B. = POINT OF BEGINNING
M.B. = MAP BOOK	P.O.C. = POINT OF COMMENCEMENT
NO. = NUMBER	R/W = RIGHT-OF-WAY
	 = FPL EASEMENT

SURVEYOR'S NOTES

1. THE BEARINGS SHOWN HEREON REFER TO PLAT VALUES AS SHOWN ON PASEO REYES PHASE TWO AS RECORDED IN MAP BOOK 58, PAGE 7-8 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FL. THE WESTERLY RIGHT OF WAY LINE LINE OF PASEO REYES DRIVE BEING SOUTH 50°19'33" EAST.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SKETCH AND DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


 ADAM C. DAO
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA LICENSE No. LS - 68897

STATE OF FLORIDA
 MARCH 22, 2018
 DATE OF SIGNATURE

NOTE: SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.
 DESCRIPTION NOT VALID UNLESS ACCOMPANIED WITH SKETCH OF DESCRIPTION AS SHOWN ON SHEET 2 OF 2 OF THIS DOCUMENT.

BOWMAN CONSULTING GROUP, LTD., INC.
 CORPORATION CERTIFICATE OF AUTHORIZATION No. LB-8030

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS IS NOT A SURVEY

Bowman
CONSULTING

Bowman Consulting Group, Ltd., Inc. Phone: (772) 283-1413
 301 SE Ocean Blvd. Fax: (772) 220-7881
 Stuart, Florida 34994 www.bowmanconsulting.com

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Professional Surveyors and Mappers, Certificate No. LB-8030

EXHIBIT "A" ("EASEMENT AREA")

UTILITY EASEMENT

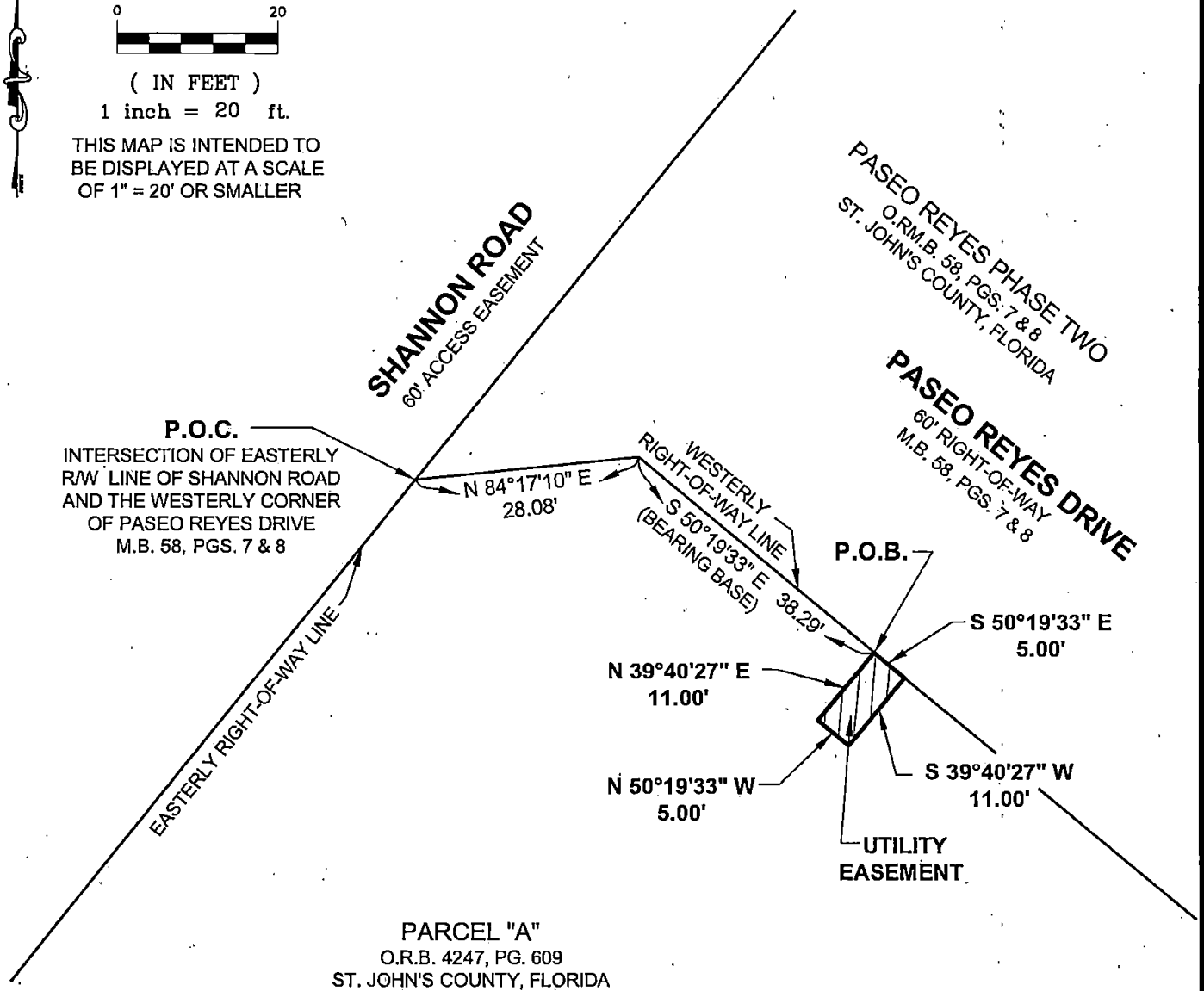
ST. AUGUSTINE, ST. JOHNS COUNTY FLORIDA

PROJECT NO. 008237-01-056	REVISED DATE:	DATE: MAR. 22, 2018
CADD FILE: 8237-UTIL-SKT.dwg	SCALE: N/A	SHEET 1 OF 2

SKETCH OF DESCRIPTION
 BEING A PORTION OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 29 EAST
 ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA



(IN FEET)
 1 inch = 20 ft.
 THIS MAP IS INTENDED TO
 BE DISPLAYED AT A SCALE
 OF 1" = 20' OR SMALLER



NOTE: SEE SHEET 1 OF 2 FOR DESCRIPTION, SURVEYOR'S NOTES AND CERTIFICATION.

THIS IS NOT A SURVEY

Bowman
CONSULTING

Bowman Consulting Group, Ltd., Inc. Phone: (772) 283-1413
 301 SE Ocean Blvd. Fax: (772) 220-7881
 Stuart, Florida 34994 www.bowmanconsulting.com

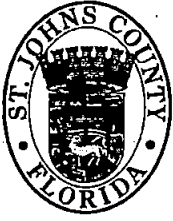
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 Professional Surveyors and Mappers, Certificate No. LB-8030

EXHIBIT "A" ("EASEMENT AREA")
UTILITY EASEMENT

ST. AUGUSTINE, ST. JOHNS COUNTY FLORIDA

PROJECT NO. 008237-01-056	REVISED DATE:	DATE: MAR. 22, 2018
CADD FILE: 8237-UTIL-SKT.dwg	SCALE: 1"=20'	SHEET 2 OF 2

EXHIBIT "B" TO RESOLUTION



St. Johns County Board of County Commissioners

Utility Department

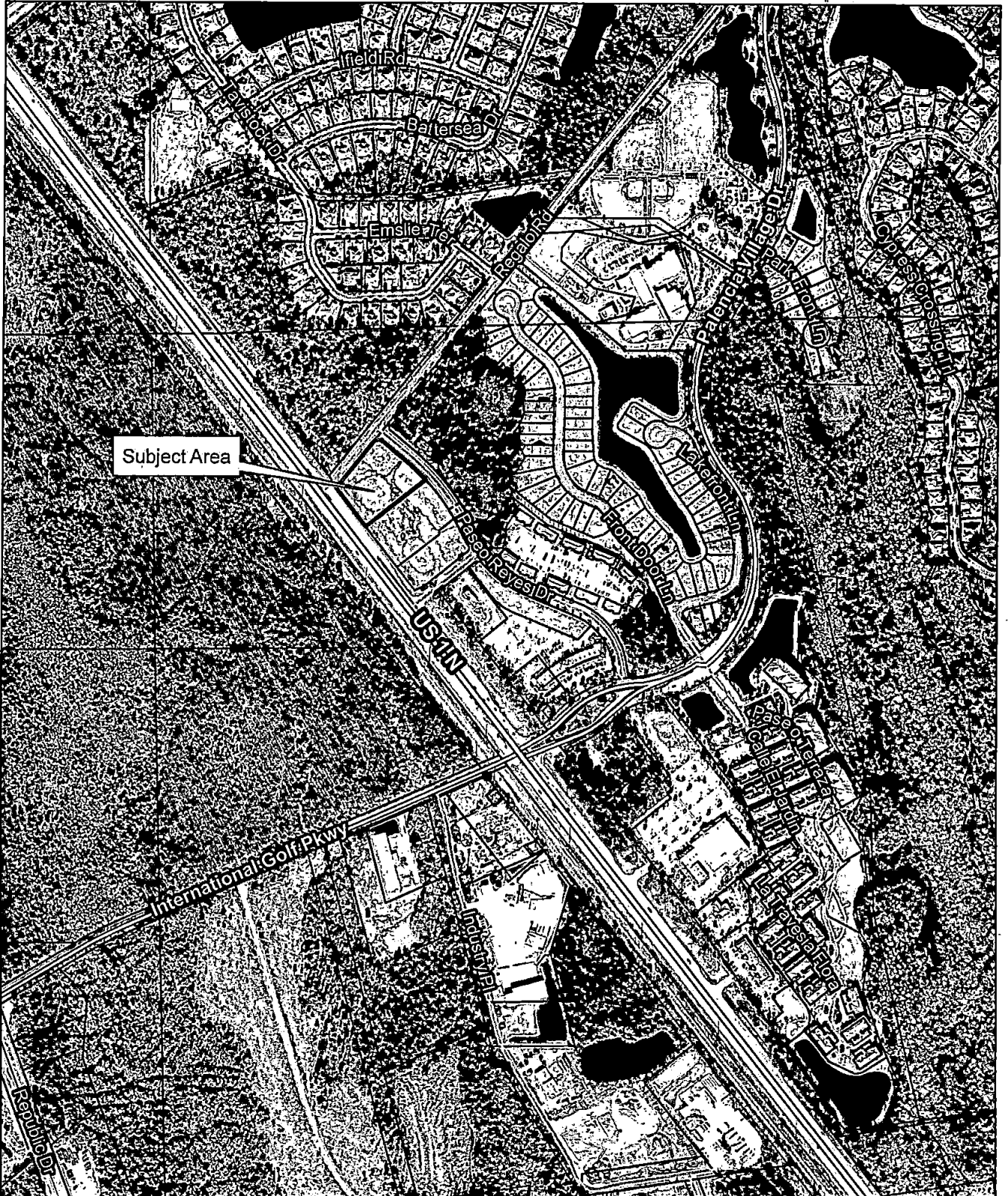
INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Palencia Circle K
DATE: April 24, 2018

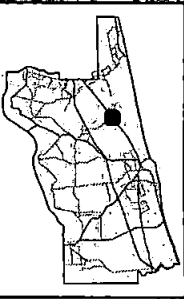
Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of Palencia Circle K.


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




 2016 Aerial Imagery
 0 140 280 560
 Feet
 Date: 11/6/2018

Easement for Utilities

Palencia Circle K

Land Management
 Systems
 Real Estate
 Division
 (904) 209-0782
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 herein.

