

RESOLUTION NO. 2019- ///

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR THE RELOCATION OF A SEWER FORCE MAIN LINE LOCATED OFF RAY ROAD.

RECITALS

WHEREAS, The School Board of St. Johns County, Florida (“School Board”) has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit “A,” incorporated by reference and made a part hereof, for relocation of a sewer force main line located along a portion of its property on Ray Road; and

WHEREAS, the easement is given in connection with the Ray Road Turn Lane Improvement Project that includes widening of the roadway, creation of turn lanes at the access points for the Allen D. Nease High School, and modification to related drainage facilities; and

WHEREAS, relocation of the sewer force main is a component of the Turn Lane Project and subject to the Construction Agreement between the County and the School Board approved in Resolution No. 2019-37; and

WHEREAS, it is in the best interest of the County to accept this Easement for the health, safety and welfare of the citizens located within this service area.

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 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 of St. Johns County is instructed to record the original Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 2nd day of April, 2019.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Hunter S. Conrad, Clerk

RENDITION DATE 4/4/19

By: Pam Halterman
Deputy Clerk



EXHIBIT "A" TO RESOLUTION

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 12th day of March, 2019 by **THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA**, with an address of 40 Orange Street, St. Augustine, Florida 32084, 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 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 and/or sewer utility services only and does not convey any right to install any other utilities, such as, but not limited to, cable television service lines.

TO HAVE AND TO HOLD, unto Grantee, its 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 not inconsistent 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 reasonably 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 improvements constructed upon the adjacent property owned by Grantor.

2. Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains located within the Easement Area.

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, except with respect only to the improvements that Grantee is obligated to install or to undertake pursuant to the February 15, 2019, Construction Agreement (St. Johns County Res. 2019-37) between Grantor and Grantee, including the initial installation and construction of utility lines or equipment within the Easement Area. To the extent permitted by law,

however, Grantee shall be responsible for damage to improvements to the extent caused by Grantee's negligence, subject to s. 768.28, Florida Statutes.

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 our presence as witnesses:

Vicki Moody
Print Name: Vicki Moody

Sarah Wilcox
Print Name: Sarah Wilcox

THE SCHOOL BOARD OF
ST. JOHNS COUNTY, FLORIDA

By: Tim Forson
Tim Forson
Its Superintendent

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 12th day of March, 2019, by Tim Forson, as Superintendent of the School Board of St. Johns County, on behalf of the school district, who is personally known to me or has produced _____.



Miriam M. Testasecca
Notary Public
My Commission Expires: 8/14/2020

EXHIBIT "A"

EASEMENT AREA

A SKETCH SHOWING

A 12 FOOT WIDE PERMANENT UTILITY EASEMENT LYING
WITHIN THE CAMPUS OF ALLEN D. NEASE HIGH SCHOOL IN
SECTION 12, TOWNSHIP 5 SOUTH, RANGE 28 EAST.
ST. JOHNS COUNTY, FLORIDA

CERTIFIED TO: School Board of St. Johns County and St. Johns County

DESCRIPTION:

A PERMANENT UTILITY EASEMENT LOCATED ON THE CAMPUS OF ALLEN D. NEASE HIGH SCHOOL, LOCATED AT 10550 RAY ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 432, PAGE 221 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA AND LYING IN SECTION 12, TOWNSHIP 5 SOUTH, RANGE 28 EAST OF SAID ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

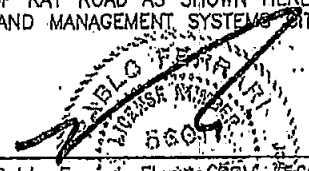
FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11, TOWNSHIP 5 SOUTH, RANGE 28 EAST, SAID ST. JOHNS COUNTY, FLORIDA, THENCE NORTH 1'00'08" WEST, ALONG THE WEST RIGHT OF WAY LINE OF RAY ROAD AS PER PLAT OF SCHOOLHOUSE POINT RECORDED IN MAP BOOK 24, PAGES 50-51 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY AND THE EAST LINE OF SAID SECTION 11, 624.80 FEET; THENCE NORTH 88'59'52" EAST, DEPARTING SAID WEST RIGHT OF WAY LINE, 65.00 FEET TO THE EAST RIGHT OF WAY LINE OF AFOREMENTIONED RAY ROAD AND THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING JUST DESCRIBED, CONTINUE NORTH 88'59'52" EAST, 12.00 FEET; THENCE NORTH 1'00'08" WEST, ALONG A LINE 12.00 EASTERLY, WHEN MEASURED AT RIGHT ANGLES, AND PARALLEL TO JUST MENTIONED EAST RIGHT OF WAY LINE OF RAY ROAD, 1003.06 FEET, THENCE SOUTH 88'59'52" WEST, 12.00 FEET TO THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF RAY ROAD; THENCE SOUTH 1'00'08" EAST, ALONG JUST MENTIONED EAST RIGHT OF WAY LINE, 1003.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.28 ACRES, OR 12,037 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) THIS IS NOT A BOUNDARY SURVEY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF RAY ROAD, BEING NORTH 1'00'08" WEST PER DIGITAL FILE OF A TOPOGRAPHIC SURVEY OF RAY ROAD, BY ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS, SURVEYING AND MAPPING DIVISION, FILE NUMBER S-872, DATED AUGUST 4, 2016 AS SUPPLIED TO THIS FIRM IN DIGITAL FORMAT.
- 3) THE EAST AND WEST RIGHT OF WAY LINES OF RAY ROAD AS SHOWN HEREON ARE PER SURVEY BY THE ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS NOTED IN NOTE # 2 ABOVE.


 Pablo Ferrari, Florida CPSM #5601.
 Not Valid Without The Signatures And Original Raised Seal Of A Florida Licensed Surveyor & Mapper
 Surveyor and Mapper

THIS SKETCH IS NOT COMPLETE WITHOUT SHEETS 1 AND 2. SEE SHEET 2 FOR SKETCH. SHEET 1 OF 2

GEOMATICS CORP.

SURVEYING-MAPPING-GPS
2804 N. FIFTH STREET, UNIT 101
ST. AUGUSTINE, FL 32084
PHONE (904) 824-3088 FAX (904) 824-5763

LICENSED BUSINESS
FLORIDA #5879 GEORGIA #939
SOUTH CAROLINA #3387 ALABAMA #784
NORTH CAROLINA COA #3752



PROJECT No: A-15-2163 FM PUE-1
SKETCH DATE: FEB. 22, 2019
CAD FILE: 15-2163 RAY RD FM PUE-1
CHECKED BY: P. FERRARI
DRAWN BY: P.F.
FIELD WORK: N/A.
FB: N/A PG: N/A

A. SKETCH SHOWING

SHEET 2 OF 2

(SEE SHEET 1 FOR DESCRIPTION)

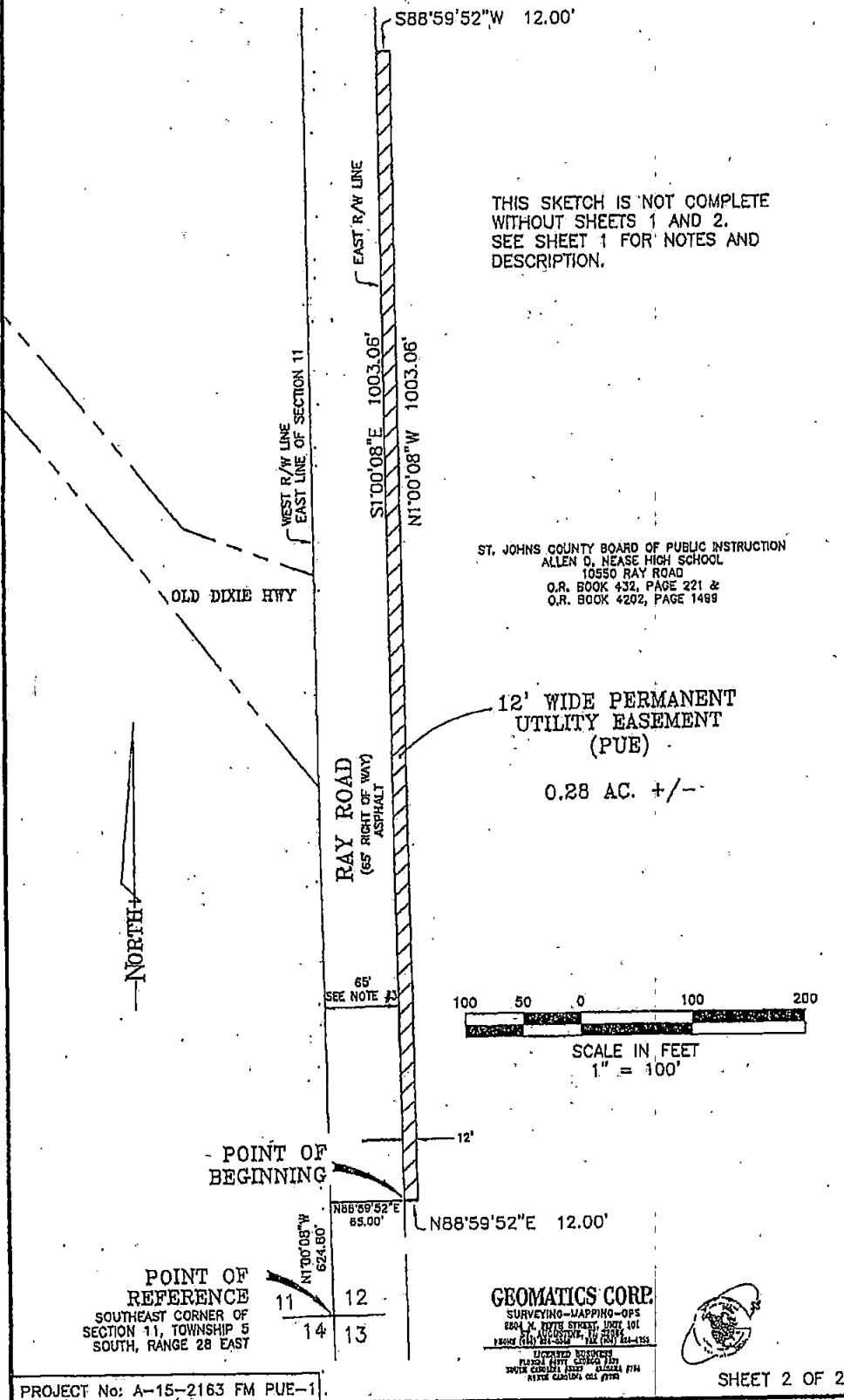
A 12 FOOT WIDE PERMANENT UTILITY EASEMENT LYING WITHIN THE CAMPUS OF ALLEN D. NEASE HIGH SCHOOL IN SECTION 12, TOWNSHIP 5 SOUTH, RANGE 28 EAST ST. JOHNS COUNTY, FLORIDA

THIS SKETCH IS NOT COMPLETE WITHOUT SHEETS 1 AND 2. SEE SHEET 1 FOR NOTES AND DESCRIPTION.

ST. JOHNS COUNTY BOARD OF PUBLIC INSTRUCTION
ALLEN D. NEASE HIGH SCHOOL
10550 RAY ROAD
O.R. BOOK 432, PAGE 221 &
O.R. BOOK 4292, PAGE 1489

12' WIDE PERMANENT UTILITY EASEMENT (PUE)

0.28 AC. +/-

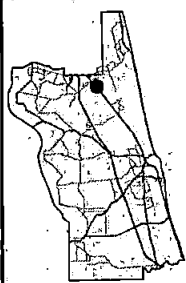
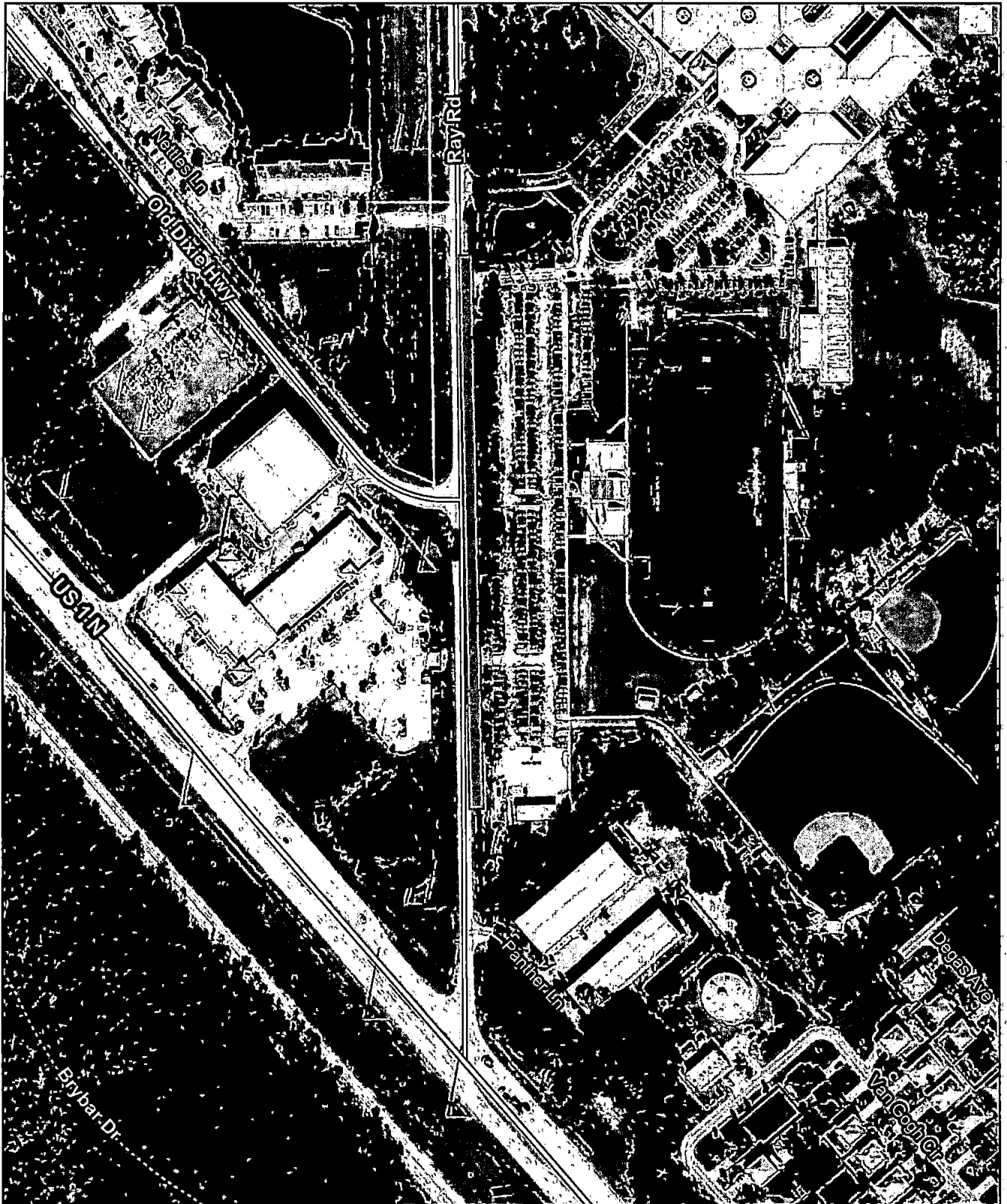


PROJECT No: A-15-2163 FM PUE-1

GEOMATICS CORE
SURVEYING-MAPPING-ORS
2804 N. RYAN STREET, SUITE 101
TALLAHASSEE, FLORIDA 32310
PHONE: 904.224.1111 FAX: 904.224.1159
LICENSED SURVEYOR
FLORIDA LICENSE NO. 12124
STATE BOARD OF SURVEYING
1978-1979 CLASSICAL COLLEGE



SHEET 2 OF 2



2013 Aerial Imagery

0 100 200

Feet

March 5, 2019

Utility Easement *Ray 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 herein.

