

RESOLUTION NO. 2019-354

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A TEMPORARY ACCESS EASEMENT TO A COMMUNICATION ANTENNA TOWER SITE LOCATED OFF SOUTH HOLMES BOULEVARD IN ST. AUGUSTINE, FLORIDA.

RECITALS

WHEREAS, the St. Johns County Land Development Code ("LDC"), Section 6.08.12, requires the dismantling and removal of antenna towers after abandonment; and,

WHEREAS, Section 6.08.12.S of the LDC conditions approval to locate or construct antenna towers upon receipt of a valid easement, in favor of the County, to allow for access and removal of the facility in the event that it is abandoned; and,

WHEREAS, as part of an application to the St. Johns County Growth Management Department to replace an existing antenna tower located at 675 A South Holmes Boulevard, (*see* TUPADM 2019-000046), Crown Castle USA, Inc., has submitted a Temporary Access Easement, attached hereto as Exhibit "A" and incorporated herein by reference, to provide the required access.

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 accepts and authorizes the County Administrator, or designee, to execute the attached Temporary Access Easement.

Section 3. To the extent that there are typographical and/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 is instructed to record the Temporary Access Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 15th day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Hunter S. Conrad, Clerk

By: Pam Halteimer
Deputy Clerk

RENDITION DATE 10/17/19

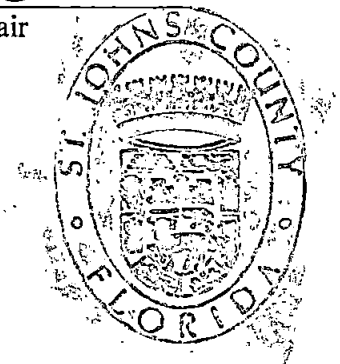


EXHIBIT "A" TO RESOLUTION

Prepared by:
St. Johns County
Land Management Systems
500 San Sebastian View
St. Augustine, FL 32084

TEMPORARY ACCESS EASEMENT

This Temporary Access Easement (the "Easement") is made this _____ day of _____, 2019, by and between **WASTE PRO OF FLORIDA, INC.**, a Florida corporation, whose address is 2101 West SR 434, Suite 301, Longwood, Florida 32779 ("Waste Pro") and **VINCENT M. AND MIMIE SUE LETH**, whose address is 810 S Holmes Boulevard, St. Augustine, Florida 32084 ("Leth", collectively, "Grantors") to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 "Grantee", its licensees, agents, successors and assigns, with the consent of **NEW CINGULAR WIRELESS PCS, LLC**, a Delaware limited liability company, whose address is Suite 13-F West Tower, 575 Morosgo Drive, Atlanta, Georgia 30324 ("Tenant"). This Easement grants a non-exclusive right of way access easement for the purpose of ingress and egress by Grantee, Grantee's agents or assigns, at any and all time, to and from the premises which is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Leased Premises").

WITNESSETH:

WHEREAS, Waste Pro is the fee simple owner of the Premises; and

WHEREAS, Leth is the current holder of all of the lease rights and is the current landlord under that certain Option and Lease Agreement originally between James L. and Catherine C. Sellers and Chicago Title Insurance Company (the "Lease") together with the following assignment documents: (i) assignment recorded in Official Records Book 787, Page 1128, (ii) assignment recorded in Official Records Book 973, Page 1439, (iii) assignment recorded in Official Records Book 1061, Page 401, and (iv) assignment recorded in Official Records Book 1456, Page 1870; and further evidenced by that certain Memorandum of Lease recorded in Official Records Book 1639, Page 485, Quit Claim Assignment of Lease Rights and Consent to Lease Extension recorded in Official Records Book 3059, Page 1642, and Memorandum of First Amendment to Option and Lease Agreement record in Official Record Book 3185, Page 1497, all of the public records of St. Johns County, Florida; and

WHEREAS, Tenant has a leasehold interest in the Leased Premises; and

WHEREAS, Tenant plans to replace an existing cell tower located on the Premises; and

WHEREAS, by virtue of that certain Quit Claim Deed, recorded in Official Records Book 3059, Page 1676, of the Public Records of St. Johns County, Florida, Waste Pro has the right and authority to convey an easement over certain land in St. Johns County, Florida, that

provides access from South Holmes Boulevard to the Premises, as more particularly described in Exhibit "B" attached hereto and made a part hereof (the "Access Area"); and

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications facilities after abandonment; and

WHEREAS, Section 6.08.12(S) of the Zoning Ordinance requires a thirty foot (30') easement for access to the Leased Premises in favor of the Grantee for removal of an abandoned telecommunications facility not complying with Section 6.08.12(N) (providing for time periods for removal of an abandoned telecommunications facility); and

WHEREAS, Grantors desire to grant, and Grantee desires to receive, a non-exclusive right-of-way access easement for the purpose of ingress and egress by the Grantee and its agents or assigns, at any and all time, to and from the Leased Premises across the Access Area to comply with the Zoning Ordinance, upon the terms and conditions set forth below.

NOW, THEREFORE, Grantors and Tenant, for and in consideration of the sum of Ten and No/Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grant to the Grantee, its successors and assigns, a non-exclusive easement over the Access Area and the Leased Premises, respectively, (collectively, the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Tenant's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12(N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Leased Premises and to remove the telecommunications facilities therefrom in accordance with and subject to the requirements of Section 6.08.12(N) of the Zoning Ordinance.

The Grantors and Tenant warrant to Grantee that Grantors have the right and the authority to enter into this easement.

The Easement shall terminate automatically upon removal of the Tenant's telecommunications facilities from the Leased Premises, whether removed by the Grantors, Tenant, or Grantee. At the request of Grantors or Tenant, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of either Grantors or Tenant's request, Grantors or Tenant may record an affidavit certifying that the telecommunications facilities have been removed and that this Easement has been terminated.

Grantors reserve the right at their expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantors' property, provided that the relocated easement shall provide the Grantee substantially the same ingress and egress rights herein granted. Any such relocated easement shall be evidenced by an amendment to the Easement executed by Grantors and Grantee herein.

IN WITNESS WHEREOF, party of the first part has executed this Temporary Access Easement on the day and year first above written.

Signed, sealed and delivered
In the presence of:

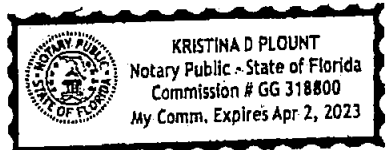
[Signature]
Print Witness name Virginia Salvo

[Signature]
Print Witness name Heather Carre

[Signature]
VINCENT M. LETH

STATE OF FLORIDA
COUNTY OF St Johns

The foregoing instrument was acknowledged before me this 29th day of AUGUST, 2019, by Vincent M. Leth who is personally known to me or has produced FL D.L. as identification.



[Signature]
Notary Public
My commission expires: 4-2-2023

Signed, sealed and delivered
In the presence of:

[Signature]
Print Witness name Virginia Salvo

[Signature]
Print Witness name Heather Carre

[Signature]
MIMIE SUE LETH

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 29th day of AUGUST, 2019, by Mimi Sue Leth who is personally known to me or has produced FL D.L. as identification.



[Signature]
Notary Public
My commission expires: 4-2-2023

Signed, sealed and delivered
In the presence of:

Blair Hall
Print Witness name Blair Hall


William Rinchiusa
Print Witness name William Rinchiusa

WASTE PRO OF FLORIDA, INC.,
a Florida corporation

By: [Signature]
Print Name: JAMES GOERS
Title: OPERATIONS MANAGER

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 6th day of September, 2019, by James Goers who is personally known to me or has produced FLORIDA DRIVERS LICENSE as identification.

 William Rinchiusa
Notary Public
State of Florida
My Commission Expires 07/13/2021
Commission No. GG 124057

[Signature]
Notary Public
My commission expires: 07/13/2021

Signed, sealed and delivered
in the presence of:

Print Name _____

Print Name _____

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

By: _____
Michael D. Wanchick
County Administrator

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Michael D. Wanchick, County Administrator who is personally known to me.

Notary Public
My commission expires: _____

EXHIBIT A
The "Leased Premises"

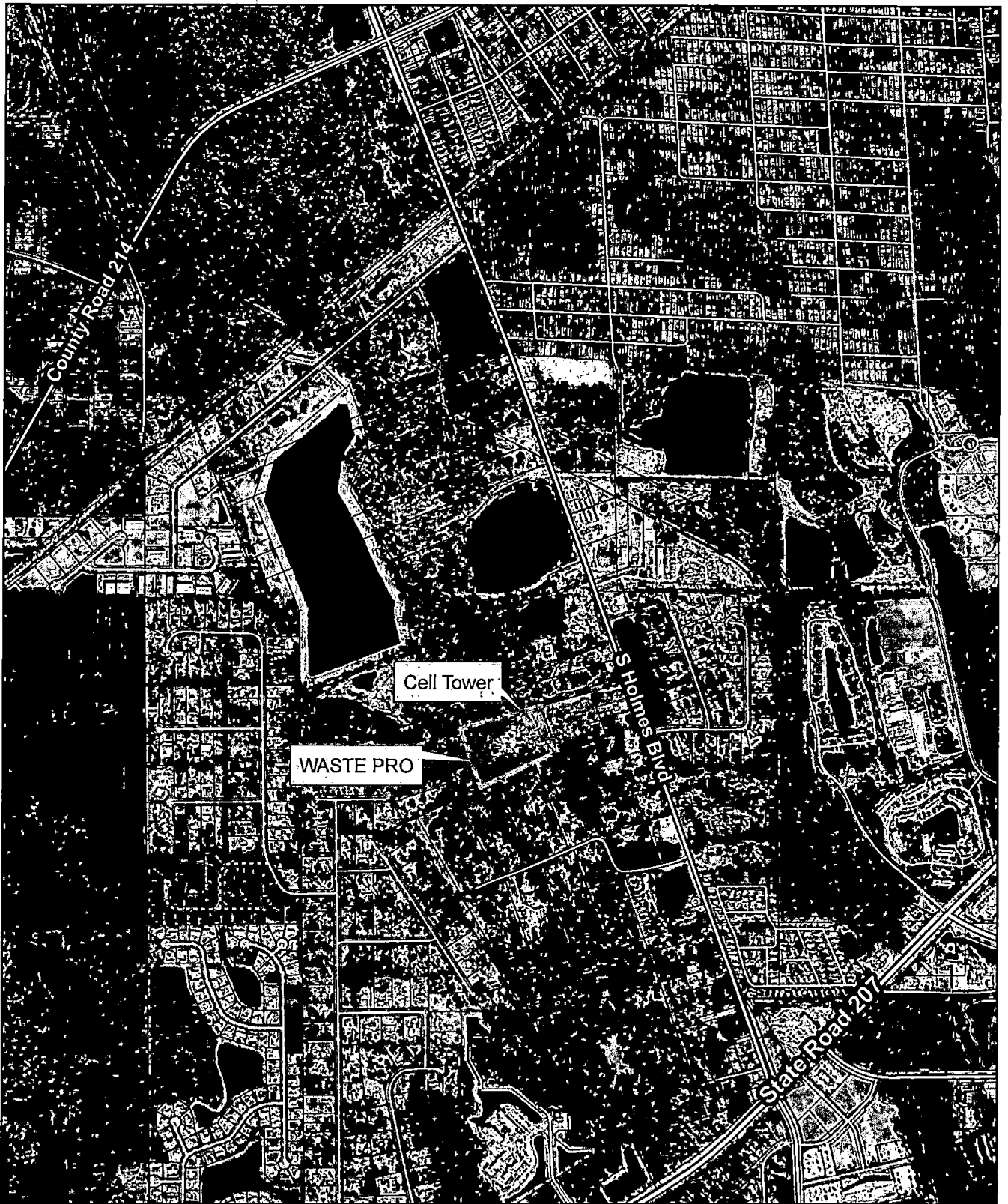
A PART OF LOT 10, F. N. HOLMES SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 36 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWESTERLY CORNER OF THE LAND DESCRIBED AS PARCEL "B" IN OFFICIAL RECORDS VOLUME 249, PAGE 175 OF SAID PUBLIC RECORDS; THENCE SOUTH 74°00'00" WEST, ALONG A WESTERLY PROJECTION OF THE NORTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 526.86 FEET; THENCE NORTH 19°52'00" WEST, A DISTANCE OF 13.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 70°08'00" WEST, A DISTANCE OF 85.0 FEET; THENCE NORTH 19°52'00" WEST, A DISTANCE OF 70.0 FEET; THENCE NORTH 70°08'00" EAST, A DISTANCE OF 85.0 FEET; THENCE SOUTH 19°52'00" EAST, A DISTANCE OF 70.0 FEET TO THE POINT OF BEGINNING.

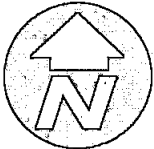
EXHIBIT B
The "Access Area"

30' EASEMENT FOR INGRESS, EGRESS AND UTILITIES

A PART OF LOT 10, F.N. HOLMES SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 36 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEASTERLY CORNER OF THE LAND DESCRIBED AS PARCEL "B" IN OFFICIAL RECORDS VOLUME 249, PAGE 175 OF SAID PUBLIC RECORDS; THENCE NORTH 19°52'00" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HOLMES BOULEVARD, A DISTANCE OF 105.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 19°52'00" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF HOLMES BOULEVARD, A DISTANCE OF 30.07 FEET; THENCE SOUTH 74°00'00" WEST, A DISTANCE OF 685.11 FEET; THENCE SOUTH 44°00'00" WEST, A DISTANCE OF 101.96 FEET; THENCE SOUTH 74°00'00" WEST, A DISTANCE OF 40.0 FEET; THENCE SOUTH 19°52'00" EAST, A DISTANCE OF 30.07 FEET; THENCE NORTH 74°00'00" EAST, A DISTANCE OF 46.01 FEET; THENCE NORTH 44°00'00" EAST, A DISTANCE OF 101.96 FEET; THENCE NORTH 74°00'00" EAST, A DISTANCE OF 679.1 FEET TO THE POINT OF BEGINNING.

AND TOGETHER WITH EASEMENTS FOR GUY WIRES AND ANCHOR POINTS AS SET FORTH IN THE AGREEMENT.




2016 Aerial Imagery
0 500 1,000
Feet
September 12, 2019

Temporary Access Easement
CROWN CASTLE USA, INC.

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.

