

RESOLUTION NO. 2019- 399

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DRAINAGE EASEMENT TO SERVE BANNON LAKES PUD PHASE 1 – DURAN DRIVE LOCATED OFF INTERNATIONAL GOLF PARKWAY.

RECITALS

WHEREAS, RREF III-P-EP Bannan Lakes JV, LLC, a Delaware limited liability company, has executed and presented to the County a Drainage Easement for reuse pump station drainage, attached hereto as Exhibit “A,” incorporated by reference and made a part hereof, associated with Bannan Lakes PUD Phase 1 – Duran Drive located off International Golf Parkway; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the document 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 Drainage Easement, 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 Circuit Court is instructed to record the original Drainage Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 19th day of November, 2019.

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

By: [Signature]
Jeb S. Smith, Chairman

ATTEST: Hunter S. Conrad, Clerk

[Signature]
Deputy Clerk

RENDITION DATE 11/21/19

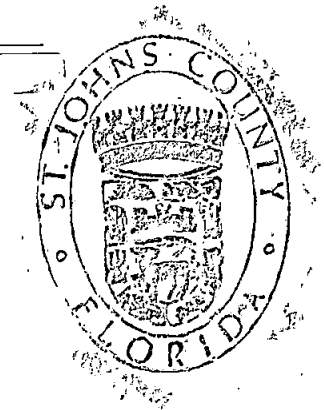


EXHIBIT "A" TO RESOLUTION

Recording _____
Doc. stamps: _____
Int. tax: _____
TOTAL: _____

THIS INSTRUMENT WAS PREPARED BY AND,
AFTER RECORDING, RETURN TO:

Joel B. Giles, Esquire
Florida Bar No.: 0350591
Carlton Fields
4221 West Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607
(813) 223-7000
(813) 229-4133 (Facsimile)
jgiles@carltonfields.com

Grantee's TIN: _____
Parcel No.: _____

DRAINAGE EASEMENT

**S.J.C.U.D. Drainage Easement
(Clary File: 2019-531)**

THIS DRAINAGE EASEMENT is executed and given this 17th day of October, 2019, by **RREF III-P-EP BANNON LAKES JV, LLC**, a limited liability company organized and existing under the laws of the State of Delaware, with an address of 790 NW 107th Avenue, Suite 400, Miami, Florida 33172, hereinafter called "Grantor," to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, with an address of 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called "Grantee".

A. Grantor is the owner the real property in St. Johns County, Florida, more particularly described in Exhibit "A," which is attached hereto and, by this reference, made a part hereof (the "Easement Area").

B. Grantor desires to grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee perpetual, non-exclusive easements: (1) for drainage and (2) for other purposes, all as described below.

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 are 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 upon, over, and across the Easement Area for the purposes of (a) the construction, installation, operation, maintenance,

repair, replacement, and removal of underground stormwater drainage pipes and other underground stormwater drainage facilities constituting part of a stormwater drainage system and all other equipment and appurtenances as may be necessary or convenient for the operation thereof (hereinafter referred to as "Drainage Lines and Associated Equipment"); (b) access to such Drainage Lines and Associated Equipment for the construction, installation, operation, maintenance, repair, replacement, and removal thereof; and (c) other purposes incidental to the foregoing, but for no other purposes whatsoever.

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, and the following:

(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, footings, and/or anchors for surface improvements.

(b) All Drainage 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 Drainage Lines and Associated Equipment located within the Easement Area. At Grantor's request, and upon relocation of such Drainage Lines and Associated Equipment 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. After any installation, construction, repair, replacement, or removal of any Drainage Lines and Associated 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. Grantee also shall be responsible for restoration of sod, landscaping, planting, pavement, or other surface improvements which are required to be removed in connection with any installation, construction, repair, replacement, or removal of Drainage Lines and Associated Equipment. To the extent permitted by law, Grantee also shall be responsible for any other damages to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit 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.

(Signature appears on following page.)

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.

WITNESSES:

[Signature]
(Sign on this line.)
Fernando Grandos
(Print name legibly on this line.)

[Signature]
(Sign on this line.)
Monica Cabrera
(Print name legibly on this line.)

GRANTOR:

RREF III-P-EP BANNON LAKES JV, LLC, a Delaware limited liability company

By: RREF III-P-EP BANNON LAKES JV MEMBER, LLC, a Delaware limited liability company, its Manager

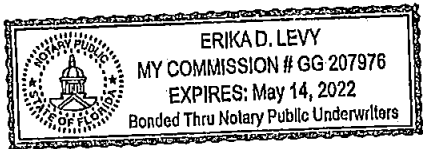
By: [Signature]
Name: CONY OLSON
Title: Authorized Signatory

STATE OF FLORIDA
COUNTY OF Miami-Dade

The foregoing instrument was sworn to and subscribed before me this 17th day of October, 2019, by CONY OLSON, as Authorized Signatory of RREF III-P-EP BANNON LAKES JV MEMBER, LLC, a Delaware limited liability company, as Manager of RREF III-P-EP BANNON LAKES JV, LLC, a Delaware limited liability company, on behalf of the limited liability companies, who is personally known to me or has produced _____ as identification.

[Signature]
(Sign on this line)

(Legibly print name on this line)



NOTARY PUBLIC, State of Florida
COMMISSION NO.: _____
EXPIRATION DATE: _____

(SEAL)

EXHIBIT "A"

EASEMENT AREA

S.J.C.U.D. UTILITY EASEMENT

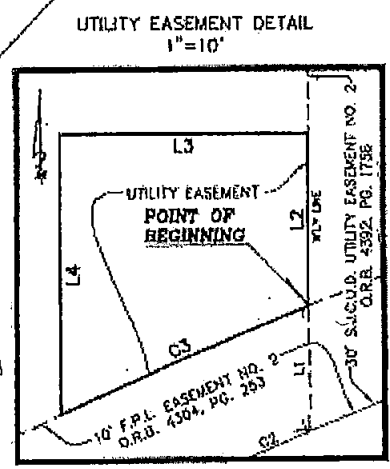
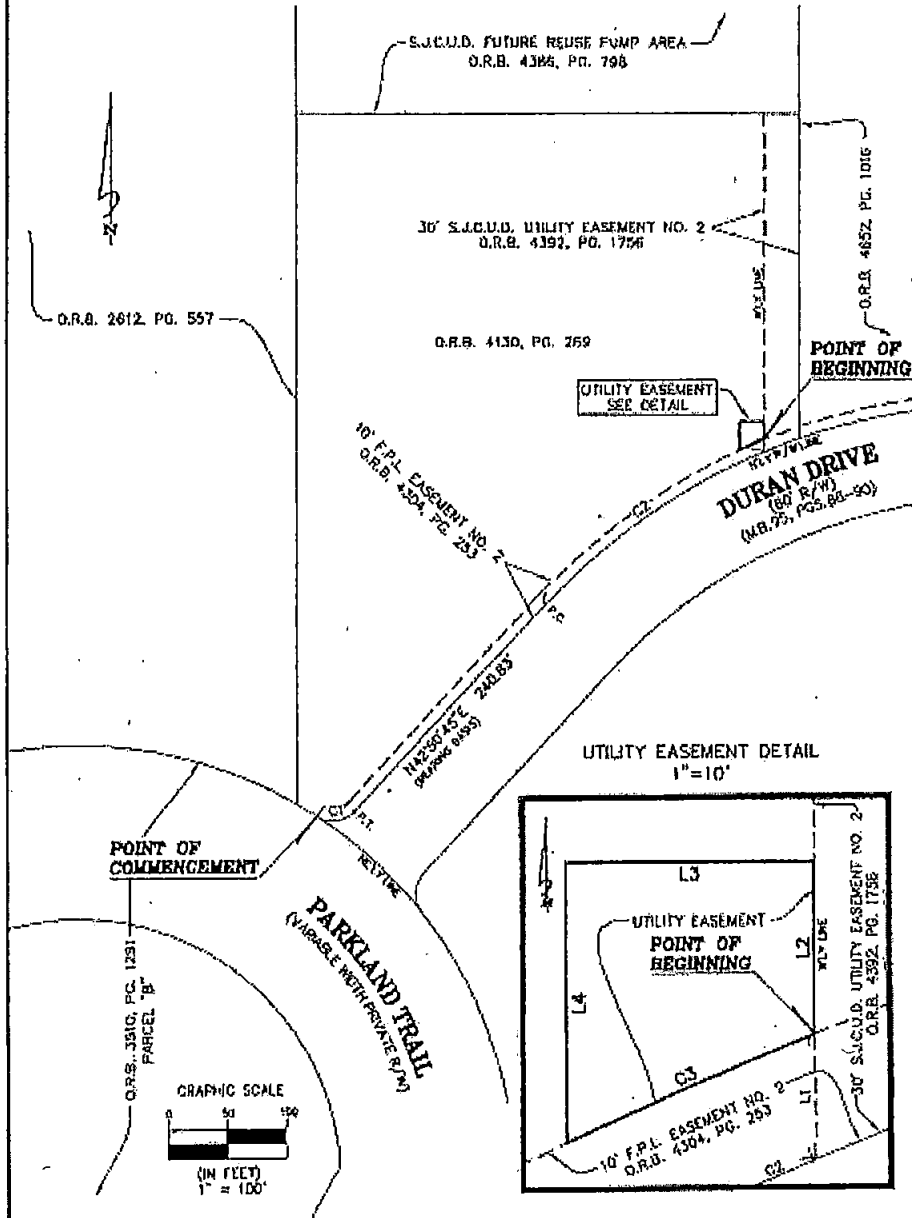
A PORTION OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF DURAN DRIVE, AN 80 FOOT RIGHT OF WAY, AS SHOWN THE PLAT OF DURAN DRIVE, AS RECORDED IN MAP BOOK 95, PAGES 88 THROUGH 90, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY AND THE NORTHEASTERLY LINE OF THOSE LANDS DESIGNATED PARCEL "B", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3510, PAGE 1291, OF SAID PUBLIC RECORDS, SAID INTERSECTION LYING ON THE ARC OF A CURVE LEADING EASTERLY; THENCE EASTERLY AND NORTHEASTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF DURAN DRIVE, RUN THE FOLLOWING THREE (3), COURSES AND DISTANCES: COURSE NO. 1: EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 35.19 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 83°10'11" EAST, 32.36 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 2: NORTH 42°50'45" EAST, 240.83 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHEASTERLY; COURSE NO. 3: NORTHEASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 540.00 FEET, AN ARC DISTANCE OF 229.07 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 54°59'55" EAST, 227.36 FEET, TO THE WESTERLY LINE OF A 30 FOOT WIDE ST. JOHNS COUNTY UTILITY DEPARTMENT EASEMENT, DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4392, PAGE 1756, OF SAID PUBLIC RECORDS; THENCE NORTH 00°06'45" WEST, ALONG LAST SAID LINE, 10.83 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°06'45" WEST, ALONG LAST SAID LINE, 14.89 FEET; THENCE NORTH 90°00'00" WEST, 21.01 FEET; THENCE SOUTH 00°06'45" EAST, 24.06 FEET, TO THE NORTHERLY LINE OF A 10 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4304; PAGE 253, OF SAID PUBLIC RECORDS AND THE ARC OF A CURVE LEADING NORTHEASTERLY; THENCE NORTHEASTERLY, ALONG LAST SAID LINE AND ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 550.00 FEET, AN ARC DISTANCE OF 22.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 66°23'38" EAST, 22.91 FEET, TO THE POINT OF BEGINNING.

CONTAINING 407 SQUARE FEET, MORE OR LESS.

MAP SHOWING

A PORTION OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHN'S COUNTY, FLORIDA



SHEET 1 OF 2

AMENDED PER COMMENTS 9/18/19(EJC)

JOB NO. 2019-531
 DRAFTER EJC
 DATE 8/14/2019
 SCALE 1"=100'

THIS MAP OR SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES IN CHAPTER 34-17, FLORIDA STATUTES AND THE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

THIS DRAWING, SECTION, PLAN OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 34-17, FLORIDA ADMINISTRATIVE CODE).

THIS MAP OR SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED HEREON. THE CONTINGENCY SHOWN HEREON DOES NOT EXTEND TO ANY UNNAMED PARTY.

Clary & Associates
 PROFESSIONAL SURVEYORS & MAPPERS
 11115 HWY 17
 1100 GRAND PINE ROAD
 JACKSONVILLE, FLORIDA 32257
 (904) 940-1700
 WWW.CLARYASSOC.COM

CHECKED BY: *[Signature]* MICHAEL J. COLLIGAN, P.S.M., CERT. NO. 6788

MAP SHOWING

UTILITY EASEMENT

A PORTION OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF DURAN DRIVE, AN 40 FOOT RIGHT-OF-WAY, AS SHOWN THE PLAT OF DURAN DRIVE, AS RECORDED IN MAP BOOK 95, PAGES 88 THROUGH 90, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY AND THE NORTHEASTERLY LINE OF THOSE LANDS DESIGNATED PARCEL "D", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3610, PAGE 1291, OF SAID PUBLIC RECORDS, SAID INTERSECTION LYING ON THE ARC OF A CURVE LEADING EASTERLY; THENCE EASTERLY AND NORTHEASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF DURAN DRIVE, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 35.19 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 83°10'11" EAST, 32.36 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 2: NORTH 42°50'43" EAST, 240.83 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHEASTERLY; COURSE NO. 3: NORTHEASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 540.00 FEET, AN ARC DISTANCE OF 229.07 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 54°59'55" EAST, 227.36 FEET, TO THE WESTERLY LINE OF A 30 FOOT WIDE ST. JOHNS COUNTY UTILITY DEPARTMENT EASEMENT, DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4392, PAGE 1758, OF SAID PUBLIC RECORDS; THENCE NORTH 00°06'45" WEST, ALONG LAST SAID LINE, 10.83 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°06'45" WEST, ALONG LAST SAID LINE, 14.80 FEET; THENCE NORTH 90°00'00" WEST, 21.01 FEET; THENCE SOUTH 00°06'45" EAST, 24.06 FEET, TO THE NORTHERLY LINE OF A 10 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4304, PAGE 253, OF SAID PUBLIC RECORDS AND THE ARC OF A CURVE LEADING NORTHEASTERLY; THENCE NORTHEASTERLY, ALONG LAST SAID LINE AND ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 550.00 FEET, AN ARC DISTANCE OF 22.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 66°23'38" EAST, 22.91 FEET, TO THE POINT OF BEGINNING.

CONTAINING 407 SQUARE FEET, MORE OR LESS.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	25.00'	35.19'	80°38'53"	N83°10'11"E	32.36'
C2	540.00'	229.07'	24°18'19"	N54°59'55"E	227.36'
C3	550.00'	22.91'	2°23'41"	N66°23'38"E	22.91'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°06'45"W	10.83'
L2	N00°06'45"W	14.80'
L3	N00°00'00"W	21.01'
L4	S00°06'45"E	24.06'

GENERAL NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF DURAN DRIVE, AS SHOWN THE PLAT OF DURAN DRIVE, AS NORTH 42°50'43" EAST, PER THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983/1990 ADJUSTMENT.
2. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
3. THIS DRAWING MAY HAVE BEEN ENLARGED OR REDUCED FROM THE ORIGINAL. UTILIZE THE GRAPHIC SCALE AS SHOWN.
4. CROSS REFERENCE: SURVEYS BY CLARY & ASSOCIATES FILE NO. T85-321B, & T85-1003.
5. THIS MAP WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THEREFORE, THERE MAY BE ADDITIONAL EASEMENTS, COVENANTS AND RESTRICTIONS, OR OTHER MATTERS OF PUBLIC RECORD NOT SHOWN HEREON THAT MAY AFFECT THIS PARCEL.

LEGEND

- N.O. = NUMBER
- M.B. = MAP BOOK
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENCY
- R/W = RIGHT-OF-WAY
- F.P.L. = FLORIDA POWER & LIGHT
- O.R.B. = OFFICIAL RECORDS BOOK
- P.G.(S) = PAGE(S)
- S.J.C.U.D. = ST. JOHNS COUNTY UTILITY DEPARTMENT

SHEET 2 OF 2

APPROVED: PER COMMENTS 8/18/16(EK)

JOB NO. 2019-531
 DRAFTER EJC
 DATE 8/14/2019
 SCALE 1"=100'

THIS MAP OR SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION AND CONSUMER SERVICES, AS ENFORCED BY THE FLORIDA ADMINISTRATIVE CODE, PARTICULAR TO SURVEYING (12D07, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

THIS DRAWING, SKETCH, PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL HANDWRITTEN SEAL OF A LICENSED SURVEYOR AND CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE.

THIS MAP OR SURVEY IS FOR THE EXCLUSIVE USE OF THE CLIENTS NAMED HEREON. THE COUNTERPARTS SHOWN HEREON DOES NOT EXTEND TO ANY UNNAMED PARTY.



CHECKED BY: MICHAEL J. COLLIGAN P.S.M. CERT. NO. 0788



St. Johns County Board of County Commissioners

Utility Department

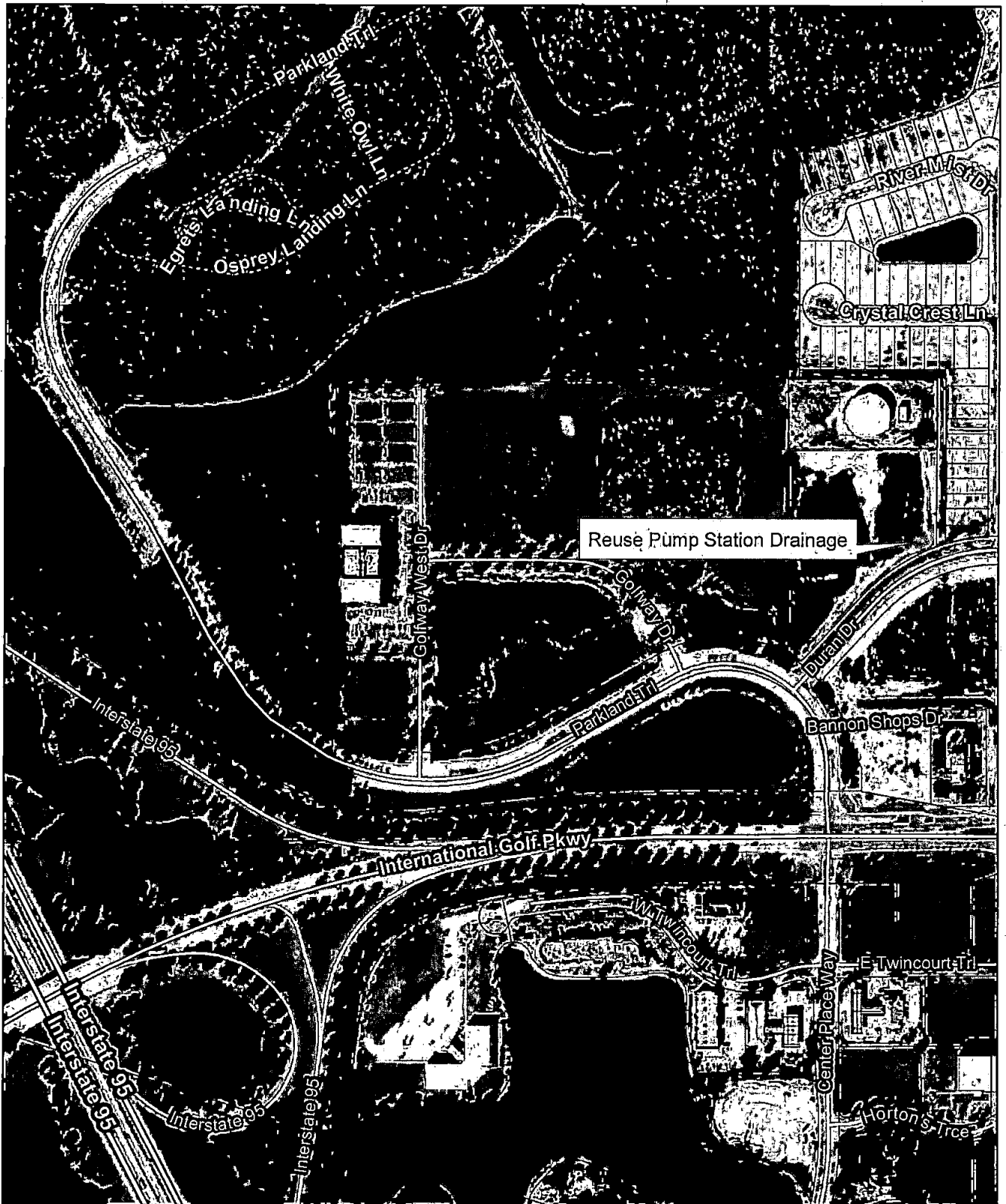
INTEROFFICE MEMORANDUM

TO: Sheri Lewis, Real Estate Coordinator
FROM: Larry Miller, Chief Engineer
SUBJECT: Bannon Lakes
DATE: October 23, 2019

Please present this Drainage Easement to the Board of County Commissioners (BCC) for final approval and acceptance.

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.



2016 Aerial Imagery
 0 150 300
 Feet
 October 23, 2019

Drainage Easement

Bannan Lakes

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.

