

RESOLUTION NO. 2019- 448

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR A WATER MAIN LINE TO BE LOCATED AT THE INTERSECTION OF COUNTY ROAD 214 AND ALLEN NEASE ROAD.**

**RECITALS**

**WHEREAS**, a property owner 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 a water main line to be located at the intersection of County Road 214 and Allen Nease Road; 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; 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.

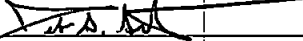
Section 2. The above described Easement for Utilities, attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

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

PASSED AND ADOPTED this 17th day of December, 2019.

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

By:   
Jeb S. Smith, Chair

ATTEST: Brandon Patty, Clerk

RENDITION DATE 12/19/19


By:   
Deputy Clerk



EXHIBIT "A" TO RESOLUTION

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by **WEST SAINT AUGUSTINE LAND AND TIMBER LLC**, a Delaware limited liability company, with an address of 9 West 57<sup>th</sup> Street, Suite 5000, New York, NY 10019, Attn: Richard Feaser, 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 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 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. The underground Utility Lines and Associated Equipment will be installed at a depth and in such a manner that permits heavy trucks and bulldozers to cross the easement without damage to the underground utilities. Grantee expressly exculpates Grantor from any liability for damage caused by surface vehicles and equipment. Grantee shall be responsible for (i) clearing the Easement Area, (ii) removing all roots and debris from the Easement Area, and (iii) periodic mowing of the Easement Area. Neither Grantor nor Grantee shall plant anything (other than grass) in the Easement Area.

(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 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. 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, including grassing of the disturbed areas, but Grantee shall not be responsible for 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.

Signature page to  
Easement for Utilities

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:

WEST SAINT AUGUSTINE LAND  
AND TIMBER LLC

John Sullivan  
Witness Signature

By: Dennis L. Carey

John Sullivan  
Print Name

Print Name: Dennis L. Carey

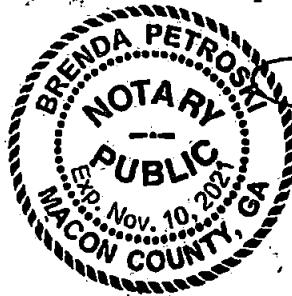
Title: Authorized Signatory

[Signature]  
Witness Signature

Doug Wilkins  
Print Name

State of Georgia; County of Macon

The foregoing instrument was acknowledged before me this 18th day of November, 2019, by Dennis L. Carey, who is Authorized Signatory of West Saint Augustine Land and Timber LLC, and who is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public

EXHIBIT "A"

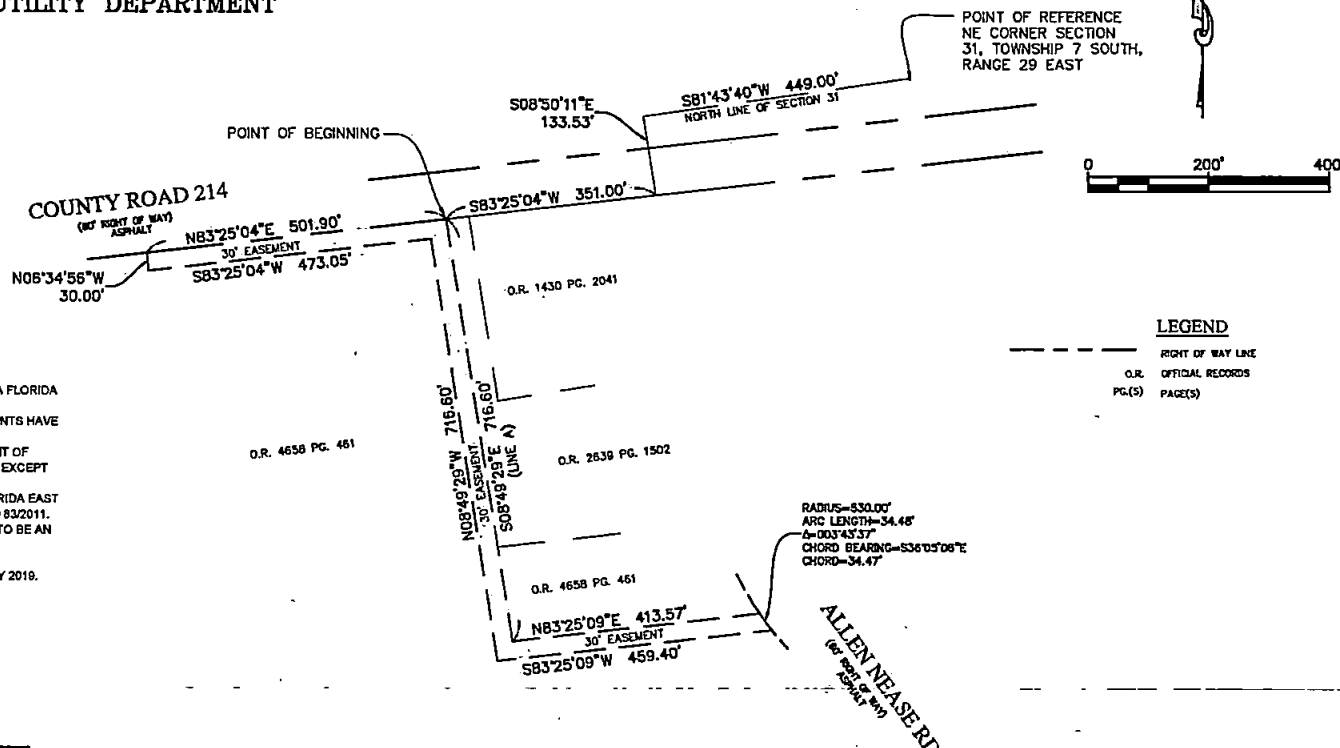
EASEMENT AREA

A PORTION OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, AND A PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS 4658, PAGE 461, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH  $81^{\circ}43'40''$  WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 449.00 FEET; THENCE SOUTH  $08^{\circ}50'11''$  EAST A DISTANCE OF 133.53.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 214, AS NOW ESTABLISHED, THENCE SOUTH  $83^{\circ}25'04''$  WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 351.00 FEET TO THE NORTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 2639 PAGE 1502 OF SAID PUBLIC RECORDS, THE SAME BEING THE NORTHEASTERLY CORNER OF AFOREMENTIONED LANDS AS DESCRIBED IN OFFICIAL RECORDS 4658, PAGE 461 OF THE SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE SOUTH  $08^{\circ}49'29''$  EAST, ALONG THE WESTERLY LINE AND ITS SOUTHERLY PROLONGATION OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 2639 PAGE 1502 (LINE "A"), A DISTANCE OF 716.60 FEET; THENCE NORTH  $83^{\circ}25'09''$  EAST A DISTANCE OF 413.57 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ALLEN NEASE ROAD, AS DESCRIBED IN OFFICIAL RECORDS 290, PAGE 688 OF SAID PUBLIC RECORDS AND A POINT ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 530.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 34.48 FEET; SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH  $36^{\circ}05'06''$  EAST AND A CHORD DISTANCE OF 34.47 FEET TO A POINT ON SAID CURVE; THENCE SOUTH  $83^{\circ}25'09''$  WEST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 459.40 FEET; THENCE NORTH  $08^{\circ}49'29''$  WEST, ALONG A LINE 30.00 FEET WEST OF AND PARALLEL TO AFOREMENTIONED LINE "A", A DISTANCE OF 716.60 FEET; THENCE SOUTH  $83^{\circ}25'04''$  WEST, ALONG A LINE 30.00 FEET SOUTH OF AND PARALLEL TO THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 214, A DISTANCE OF 473.05 FEET; THENCE NORTH  $06^{\circ}34'56''$  WEST A DISTANCE OF 30.00 FEET; THENCE NORTH  $83^{\circ}25'04''$  EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 501.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.13 ACRES MORE OR LESS.

MAP SHOWING A SKETCH OF DESCRIPTION OF A  
 PORTION OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE  
 29 EAST, ST. JOHNS COUNTY, FLORIDA.  
 FOR: ST. JOHNS COUNTY UTILITY DEPARTMENT



**SURVEYORS NOTES:**

1. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN.
3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
4. BEARING DATUM BASED ON STATE PLANE COORDINATES, FLORIDA EAST ZONE, IN UNITS OF US SURVEY FEET, REFERENCE TO THE NAD 83/2011.
5. THIS IS A SKETCH OF DESCRIPTION AND DOES NOT PURPORT TO BE AN ACTUAL BOUNDARY SURVEY.
6. DESCRIPTION FURNISHED SEPARATELY.
7. AERIAL PHOTOGRAPHY, IF SHOWN, WAS OBTAINED IN JANUARY 2019.

**LEGEND**

- RIGHT OF WAY LINE
- O.R. OFFICIAL RECORDS
- PG.(S) PAGE(S)

AMENDMENTS

CR-214 & ALLEN NEASE RD

SKETCH OF DESCRIPTION

PATRICIA GAIL OLIVER, P.S.M.  
 NO. 4564  
 PROFESSIONAL SURVEYOR  
 AND MAPPER  
 SKETCH DATE: OCTOBER 24, 2019

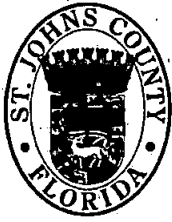


ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS  
 SURVEYING AND MAPPING DIVISION

500 SAN SEBASTIAN VIEW  
 ST AUGUSTINE, FLORIDA 32084

Phone (904) 209-0770 Email: goliver@sjcfl.us

DRAWN BY: C.RILEY  
 FILE NUMBER: S-1034  
 SHEET NO. 1  
 OF 1



**St. Johns County Board of County Commissioners**

Utility Department

**INTEROFFICE MEMORANDUM**

TO: Sheri Lewis, Real Estate Coordinator  
FROM: Scott Trigg, Chief Engineer  
SUBJECT: CR 214 and Allen Nease Road Easement for Utilities  
DATE: November 19, 2019

Please present this Easement for Utilities 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  
November 19, 2019

## Easement for Utilities

### *CR 214 and Allen Nease 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 hereon.

