

RESOLUTION NO. 2020- 111

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES ASSOCIATED WITH RECLAIMED WATER SERVING THE KING & THE BEAR GOLF COURSE LOCATED OFF REGISTRY BOULEVARD IN WORLD GOLF VILLAGE.

RECITALS

WHEREAS, Honours Golf-WGV, LLC, a Georgia limited liability company, is the owner of an eighteen-hole golf course and club house known as The King & The Bear Golf Course; and

WHEREAS, the Property is located within the Saint Johns Development of Regional Impact and is subject to the Saint Johns Development of Regional Impact Development Order issued by the County (the "DRI/DO"); and

WHEREAS, the DRI/DO and Section 3.06 of the Utility Agreement require the Golf Course to use reuse water as its primary source of irrigation when reuse water is available; and

WHEREAS, pursuant to the Reuse Agreement approved by Resolution 2017-96, Honours Golf-WGV, LLC, a Georgia limited liability company, has executed and presented to the County a Corrective Easement for Utilities, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, associated with reclaimed water serving The King & The Bear Golf Course located off Registry Boulevard in World Golf Village; and

WHEREAS, this Corrective Easement for Utilities corrects and replaces that certain Easement for Utilities recorded in Official Records Book 4712, Page 355, of the public records of St. Johns County, Florida.

WHEREAS, it is in the best interest of the County to accept this Corrective Easement for Utilities 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 Corrective 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 Corrective Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 7th day of April, 2020.

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

By: _____

Jeb S. Smith, Chair

APR 9 2020

RENDITION DATE _____

ATTEST: Brandon Patty, Clerk

Robin L. Platt

Deputy Clerk



EXHIBIT "A" TO RESOLUTION

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

**CORRECTIVE
EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this 1th day of MARCH, 2020 by **HONOURS GOLF-WGV, LLC**, a Georgia limited liability company, with an address of c/o Gary P. Spivey, 1960 Stonegate Drive, Birmingham, AL 35242, 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, alienate, 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 reuse distribution system and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground reclaimed 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 reclaimed water utility services only and does not convey any right to install other utilities such as cable television service lines.

This Corrective Easement for Utilities corrects and replaces that certain Easement for Utilities recorded in Official Records Book 4712, Page 355, of the public records of St. Johns County, Florida.

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 reclaimed 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. (a) REUSE SYSTEM - The Grantee shall maintain all reuse mains and other elements of the reuse distribution system up to and including the reuse meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any reuse lines between the reuse 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 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 Corrective Easement for Utilities 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 Corrective Easement for Utilities, "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:

HONOURS GOLF-WGV, LLC

[Signature]
Witness Signature

By: Robert B. Barrett

Gary Spivey
Print Name

Print Name: ROBERT B. BARRETT

[Signature]
Witness Signature

Its: MANAGER / MEMBER

Taylor Blake
Print Name

STATE OF Alabama
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12th day of March, 2020, by Robert Barrett, on behalf of Honours Gold-WGV, LLC, who is personally known to me or has produced drivers license as identification.

Daniel Shea Mitchell
Notary Public, Alabama State At Large
My Commission Expires Feb. 26, 2024
(Notary Seal)

Notary Public: [Signature]
My Commission Expires: 2-26-24

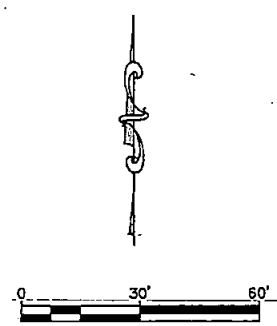
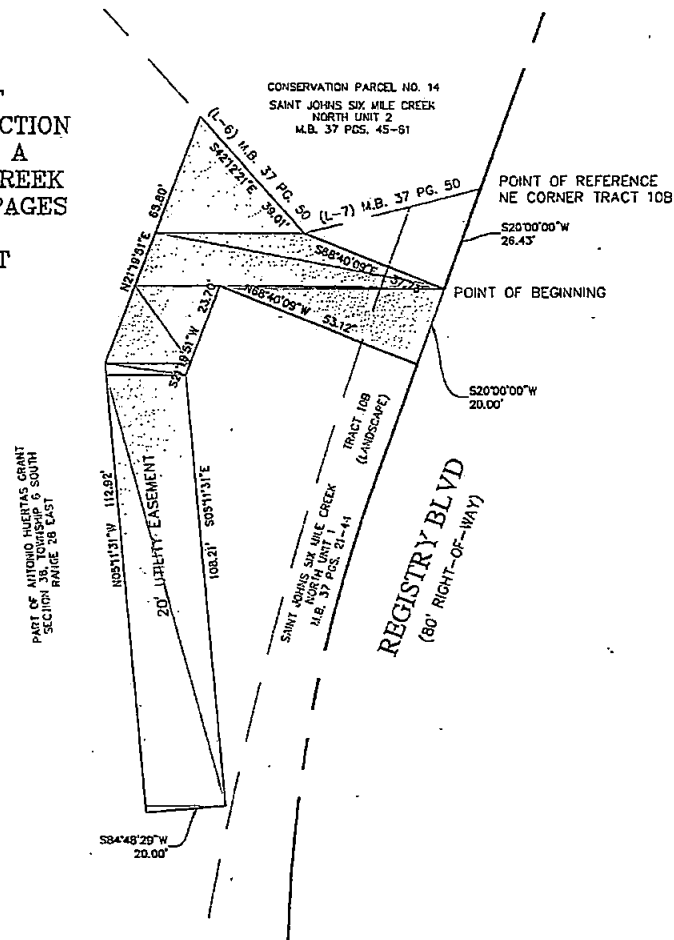
EXHIBIT "A"

EASEMENT AREA

A PORTION OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST AND A PART OF TRACT 10B, AS SHOWN ON THE PLAT OF SAINT JOHNS SIX MILE CREEK NORTH, UNIT 1, MAP BOOK 37, PAGES 21 THROUGH 44 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 TRACT 10B, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF REGISTRY BOULEVARD, AS SHOWN ON SAID PLAT; THENCE SOUTH 20°00'00" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 26.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 20°00'00" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 68°40'09" WEST A DISTANCE OF 53.12 FEET; SOUTH 21°19'51" WEST A DISTANCE OF 23.70 FEET; THENCE SOUTH 05°11'31" EAST A DISTANCE OF 108.21 FEET; THENCE SOUTH 84°48'29" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 05°11'31" WEST A DISTANCE OF 112.92 FEET; THENCE NORTH 21°19'51" EAST A DISTANCE OF 65.80 FEET; THENCE SOUTH 42°12'21" EAST, ALONG THE BOUNDARY OF CONSERVATION EASEMENT PARCEL 14, (ALSO SHOWN AS L-6 ON MAP BOOK 37, PAGE 50) AS SHOWN ON THE PLAT OF SAINT JOHNS SIX MILE CREEK NORTH, UNIT 2, MAP BOOK 37, PAGES 45 THROUGH 61, OF SAID PUBLIC RECORDS, A DISTANCE OF 39.01 FEET; THENCE SOUTH 68°40'09" EAST, DEPARTING FROM SAID BOUNDARY LINE, A DISTANCE OF 37.73 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,458 SQUARE FEET MORE OR LESS.

MAP SHOWING A SKETCH OF DESCRIPTION OF
 A PORTION OF THE ANTONIO HUERTAS GRANT, SECTION
 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, AND A
 PORTION OF TRACT 10B SAINT JOHNS SIX MILE CREEK
 NORTH UNIT 1, AS RECORDED IN MAP BOOK 37 PAGES
 21-44, 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.

PART OF ANTONIO HUERTAS GRANT
 SECTION 38, TOWNSHIP 6 SOUTH
 RANGE 28 EAST

CONSERVATION PARCEL NO. 14
 SAINT JOHNS SIX MILE CREEK
 NORTH UNIT 2
 M.B. 37 PGS. 45-51

POINT OF REFERENCE
 NE CORNER TRACT 10B

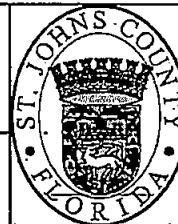
POINT OF BEGINNING

LEGEND

- M.B. MAP BOOK
- PG(S) PAGE(S)
- RIGHT OF WAY LINE

REGISTRY BOULEVARD
 UTILITY EASEMENT

SKETCH OF DESCRIPTION
 SKETCH DATE: JANUARY 21, 2020



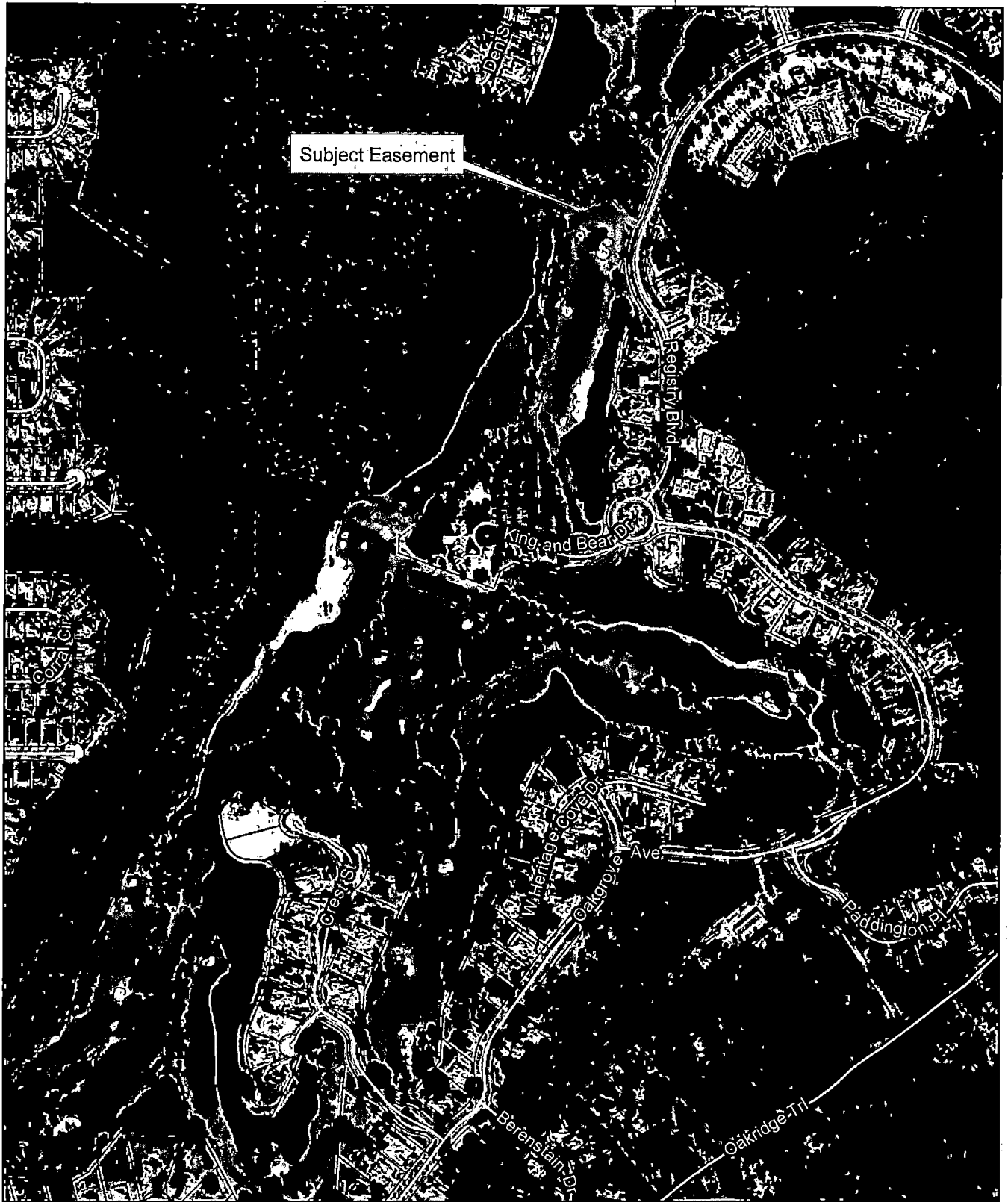
ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS
 SURVEYING AND MAPPING DIVISION

500 SAN SEBASTIAN VIEW
 ST AUGUSTINE, FLORIDA 32084

PATRICIA GAIL OLIVER P.S.M. NO. 4564
 Phone (904) 209-0770 Email: goliver@sjcfl.us

DRAWN BY: C.RILEY
 FILE NUMBER: S-1039

SHEET NO. 1
 OF 1



2016 Aerial Imagery

0 150 300

Feet

February 11, 2020

Corrective Easement for Utilities

The King & The Bear Golf Course

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.

