

RESOLUTION NO. 2020- 203

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 NOCATEE LANDING TRAIL.

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 approvals 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 construct an antenna tower site at Crosswater Village Phase 1A, Tract C, located off Nocatee Landing Trail, (see TOWER 2019-000001), Sonoc Company, LLC, 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.

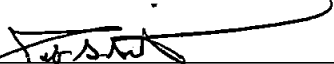
Section 2. The Board of County Commissioners hereby accepts and authorizes the County Administrator, or designee, to execute the attached Temporary Access Easement.

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 16 day of June, 2020.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Jeb S. Smith, Chair

ATTEST: Brandon Patty, Clerk

By: 
Deputy Clerk

RENDITION DATE 6/18/20



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 _____, 2020, by and between **SONOC COMPANY, LLC**, a Delaware limited liability company, whose address is 4310 Pablo Oaks Court, Jacksonville, Florida 32224, "Grantor", 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 **NEXTOWER DEVELOPMENT GROUP II, LLC**, a Delaware limited liability company ("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 leased premises (the "Leased Premises") which is more particularly described herein in Exhibit "A" attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, Grantor, as Landlord, and Tenant, as Tenant, are parties to an Option and Ground Lease Agreement, referred to hereinafter as "Agreement", dated April 8, 2019 (as amended and assigned), granting to Tenant a leasehold interest in the Leased Premises; and

WHEREAS, the Agreement contemplates the construction of a telecommunications facility on the Leased Premises; 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 an easement for access to the Leased Premises 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

NOW, THEREFORE, Grantor, 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 grants to the Grantee, its successors and assigns, a non-exclusive easement over the lands of Grantor more particularly described on Exhibit "B" attached hereto (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 Grantor warrants to Grantee that it has good and indefeasible fee simple title to the Easement Area 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 Tenant, Grantor or Grantee. At the request of the Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of Grantor's request, Grantor may record an affidavit certifying that the telecommunications facilities have been removed and that this Easement has been terminated.

Grantor reserves the right at its expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantor's 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 Grantor and Grantee herein.

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

Signed, sealed and delivered
In the presence of:

GRANTOR

SONOC COMPANY, LLC,
a Delaware limited liability company

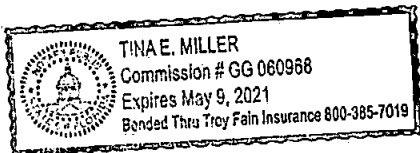
Jill Whalen
Print Name Jill Whalen

By: [Signature]
Print Name: Jed V. Davis
Title: President

Christopher Pilinko
Print Name CHRISTOPHER PILINKO

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 7th day of May, 2020, by Jed V. Davis as President for SONOC COMPANY, LLC, a Delaware limited liability company, who is personally known to me or has produced _____ as identification.



Jana E Miller
Notary Public
My commission expires: _____

Signed, sealed and delivered
in the presence of:

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

Print Name _____

By: _____
Hunter S. Conrad
County Administrator

Print Name _____

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization, this _____ day of _____, 2020, by
_____ as _____ for ST.
JOHNS COUNTY, FLORIDA, who _____ is personally known to me or _____ has produced
_____ as identification.

Notary Public
My commission expires: _____

EXHIBIT "A"

The Leased Premises

NEXTOWER LEASE PARCEL

A PARCEL OF LAND LYING IN TRACT "C", CROSSWATER VILLAGE PHASE 1A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 86, PAGES 56 THROUGH 76 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "C", CROSSWATER VILLAGE PHASE 1A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 86, PAGES 56 THROUGH 76 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE N62° 23' 58"W ALONG THE SOUTH LINE OF SAID TRACT "C" FOR 19.55 FEET; THENCE S87° 41' 23"W CONTINUING ALONG SAID SOUTH LINE FOR 55.40 FEET; THENCE N06° 16' 05"E FOR 122.99 FEET; THENCE S80° 05' 23"E FOR 70.00 FEET TO AN ANGLE POINT ON THE EAST LINE OF SAID TRACT "C"; THENCE S04° 16' 05"W ALONG SAID EAST LINE FOR 63.16 FEET; THENCE S06° 16' 05"W CONTINUING ALONG SAID EAST LINE FOR 53.91 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND SITUATE, LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA, CONTAINING 8,317.7 SQUARE FEET MORE OR LESS.

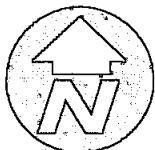
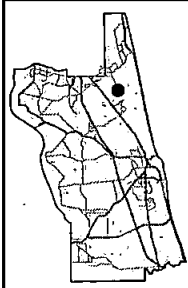
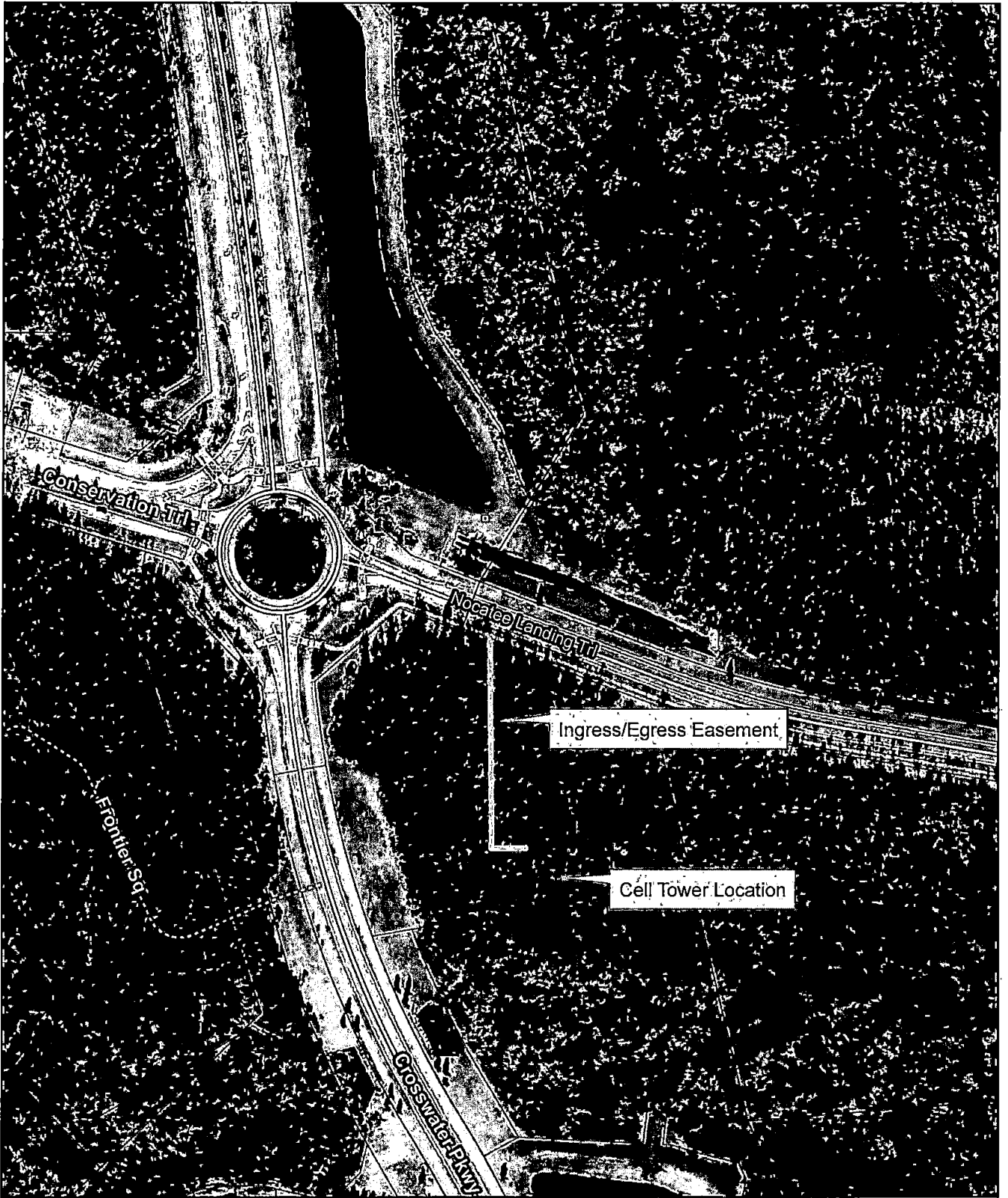
EXHIBIT "B"

Easement Area

NEXTOWER 25' WIDE INGRESS/EGRESS & UTILITY EASEMENT

A 25-FOOT WIDE EASEMENT STRIP OF LAND FOR THE PURPOSES OF INGRESS/EGRESS AND UTILITIES LYING IN TRACT "C", CROSSWATER VILLAGE PHASE 1A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 86, PAGES 56 THROUGH 76 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; SAID EASEMENT LYING 12.50 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "C", CROSSWATER VILLAGE PHASE 1A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 86, PAGES 56 THROUGH 76 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE N62° 23' 58"W ALONG THE SOUTH LINE OF SAID TRACT "C" FOR 18.55 FEET; THENCE S87° 41' 23"W CONTINUING ALONG SAID SOUTH LINE FOR 55.40 FEET; THENCE N06° 16' 05"E FOR 110.49 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT CENTERLINE; THENCE N83° 43' 55"W FOR 74.00 FEET; THENCE N06° 16' 05"E FOR 237.45 FEET; THENCE N20° 36' 11"E FOR 31.58 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF NOCATEE LANDING TRAIL (AN 80' WIDE RIGHT-OF-WAY) AND THE POINT OF TERMINUS. THE SIDELINES OF SAID EASEMENT TO BE SHORTENED AND PROLONGED TO MEET AT ANGLE POINTS, RIGHT-OF-WAY LINES AND LEASE PARCEL LINES.



2016 Aerial Imagery
0 100 200

Feet

May 19, 2020

Temporary Access Easement

Sonoc Company, LLC

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.

