

RESOLUTION NO. 2020- 327

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 COUNTY ROAD 214 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 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 5800 County Road 214, (see TOWER 2020-000001), Lendlease Towers III 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 15<sup>th</sup> day of September, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Jeb S. Smith  
Jeb S. Smith, Chair

ATTEST: Brandon J. Patty, Clerk  
Clerk of the Circuit Court & Comptroller

By: Brandon J. Patty  
Deputy Clerk

RENDITION DATE 9-3-2020

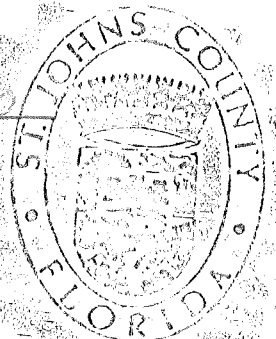


Exhibit "A" to Resolution

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 20 day of July, 2020, by and between **James D. Lee, Successor Trustee of the Lee Family Trust** dated April 24, 2013 whose address is 118 Creek Road, Palatka, FL 32177, "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 **Lendlease Towers III LLC**, a Delaware limited liability company. 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, has entered into a Lease Agreement, referred to hereinafter as "Agreement", dated October 7, 2019, granting to Lendlease Towers III LLC, as "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 a thirty foot (30') 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 has executed this Temporary Access Easement on the day and year first above written.

Signed, sealed and delivered  
In the presence of:

**GRANTOR**

James D. Lee, Successor Trustee of the Lee Family Trust

Cristie P. Lee  
Print Name Cristie P. Lee

By: James D. Lee  
Print Name: James D. Lee  
Title: Successor Trustee of the Lee Family Trust

Cornelia B. Cox  
Print Name \_\_\_\_\_

STATE OF Florida  
COUNTY OF Clay

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 20<sup>th</sup> day of July, 2020, by James Lee as \_\_\_\_\_ for \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

Kristy Jean Hurst  
Notary Public  
My commission expires: 10/13/2020



Signed, sealed and delivered  
In the presence of:

Print Name Nancy Venturilli

Nancy Venturilli  
Megan Tucker  
Print Name Megan Tucker

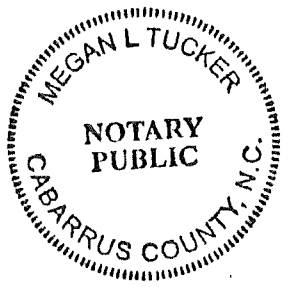
**CONSENTING PARTY**  
Lendlease Towers III LLC,  
a Delaware limited liability company

By: Staci Whit  
Print Name: Staci Whit  
Title: VP

STATE OF North Carolina  
COUNTY OF Rocky Mount

The foregoing instrument was acknowledged before me by means of  physical presence  
or  online notarization, this 14<sup>th</sup> day of July, 2020, by  
Staci Whit as VP for  
Lendlease Towers III LLC who is personally known to me or has produced  
\_\_\_\_\_ as identification.

Megan Tucker  
Notary Public  
My commission expires: \_\_\_\_\_



My Commission Expires October 7, 2023

Signed, sealed and delivered  
in the presence of:  
Florida

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

\_\_\_\_\_  
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  
\_\_\_\_\_ who is personally known to me or has produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

**EXHIBIT A**

Description of Leased Premises

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHN'S COUNTY, FLORIDA; AND BEING A PART OF LANDS OF THE LEE FAMILY TRUST, AS RECORDED IN OFFICIAL RECORDS BOOK 3745, PAGE 1112 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, SAID LANDS BEING TAX PARCEL NUMBER 0303700010; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S89° 28' 44"E, ALONG THE NORTH LINE OF SAID SECTION 33, FOR 1157.89 FEET; THENCE S00° 31' 16"E FOR 250.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S00° 31' 16"E FOR 100.00 FEET; THENCE S89° 28' 44"W FOR 100.00 FEET; THENCE N00° 31' 16"W FOR 100.00 FEET; THENCE N89° 28' 44"E FOR 100.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL SITUATE, LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA CONTAINING 10,000 SQUARE FEET (0.230 ACRES), MORE OR LESS.

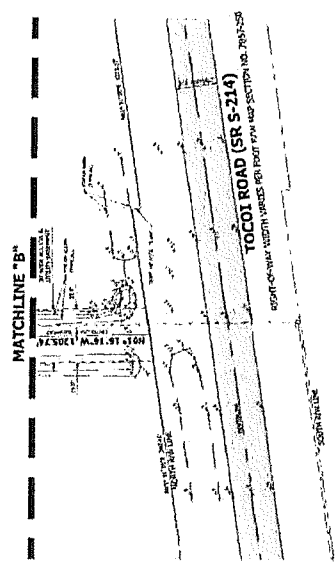
**EXHIBIT B**  
Description of Easement Area

A 30-FOOT EASEMENT STRIP FOR ACCESS AND UTILITIES LYING IN SECTION 33, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHN'S COUNTY, FLORIDA; AND BEING A PART OF LANDS OF THE LEE FAMILY TRUST, AS RECORDED IN OFFICIAL RECORDS BOOK 3745, PAGE 1112 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, SAID LANDS BEING TAX PARCEL NUMBER 0303700010; SAID EASEMENT LYING 15.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S89° 28' 44"E, ALONG THE NORTH LINE OF SAID SECTION 33, FOR 1157.89 FEET; THENCE S00° 31' 16"E FOR 250.01 FEET; THENCE CONTINUE S00° 31' 16"E FOR 100.00 FEET; THENCE S89° 28' 44"W FOR 100.00 FEET; THENCE N00° 31' 16"W FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT CENTERLINE; THENCE S89° 28' 44"W FOR 40.42 FEET; THENCE S01° 16' 36"E FOR 1205.74 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TOCOI ROAD (STATE ROAD NO. S-214) AND THE POINT OF TERMINUS. THE SIDELINES OF SAID EASEMENT TO BE SHORTENED AND PROLONGED TO MEET AT THE ANGLE POINTS, LEASED PREMISES LINES AND RIGHT-OF-WAY LINES. SAID EASEMENT SITUATE, LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA CONTAINING 37,385 SQUARE FEET (0.858 ACRES), MORE OR LESS.



**BOUNDARY & TOPOGRAPHIC SURVEY OF LENDLEASE TOWERS III, LLC LEASED PREMISES**  
SECTION 23, TOWNSHIP 7 SOUTH, RANGE 23 EAST ST. JOHNS COUNTY, FLORIDA



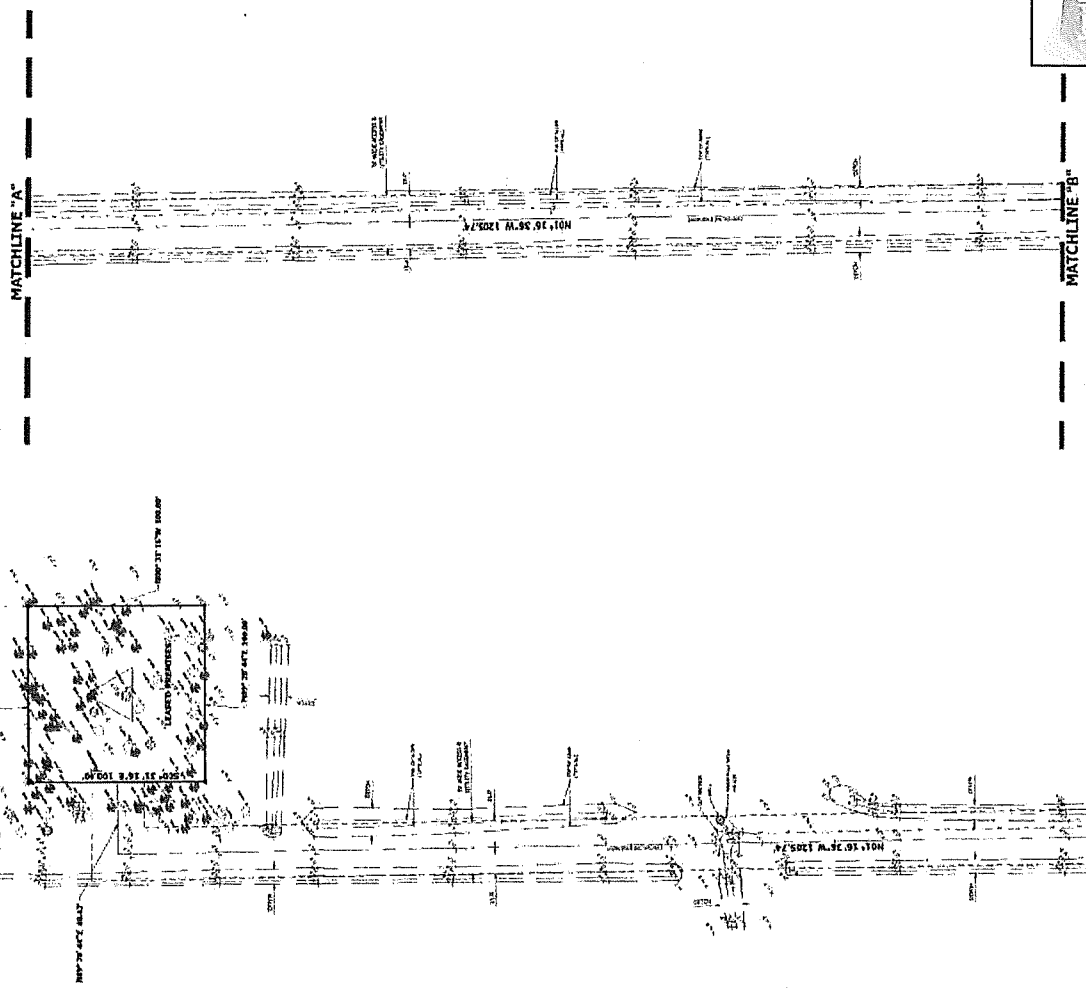
- SURVEYOR'S NOTES:**
1. ALL DIMENSIONS AND BEARINGS ARE GIVEN AS SHOWN UNLESS OTHERWISE NOTED.
  2. ALL DIMENSIONS AND BEARINGS ARE GIVEN AS SHOWN UNLESS OTHERWISE NOTED.
  3. ALL DIMENSIONS AND BEARINGS ARE GIVEN AS SHOWN UNLESS OTHERWISE NOTED.
  4. THIS SURVEY CONFORMS TO THE REQUIREMENTS OF THE FLORIDA SURVEYING BOARD.

**REFERENCES:**

- 1. 2011 FLORIDA SURVEYING BOARD REGULATIONS
- 2. 2011 FLORIDA SURVEYING BOARD REGULATIONS
- 3. 2011 FLORIDA SURVEYING BOARD REGULATIONS

**LEGEND**

1	BOUNDARY
2	TOPOGRAPHIC
3	UTILITY
4	ROAD
5	RIGHT-OF-WAY
6	ENCLOSURE
7	ENCLOSURE
8	ENCLOSURE
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50	ENCLOSURE



**STONECIPHER SURVEYING INC.**  
1225 HWY 167N, AVONDALE, FLORIDA 33001  
TEL: (813) 370-0948  
FAX: (813) 370-0948  
WWW.STONECIPHER.COM



DATE	7/2/11
PROJECT	TOPOGRAPHIC SURVEY
SITE NAME	MOLASSES JUNCTION
PROJECT NO.	FR101979
CLIENT	3800 COUNTY ROAD 214, SAINT AUGUSTINE, FLORIDA 32092
PROJECT LOCATION	SECTION 23, TOWNSHIP 7 SOUTH, RANGE 23 EAST, ST. JOHNS COUNTY, FLORIDA
SCALE	AS SHOWN
PROJECT NO.	FR101979
DATE	7/2/11

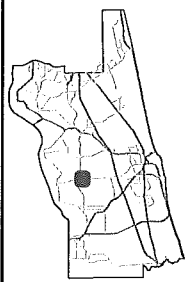


County Road 13A N

Cell Tower Location

Ingress/Egress

County Road 214



2016 Aerial Imagery  
 0 250 500  
 Feet  
 July 30, 2020

Temporary Access Easement  
*Lendlease Towers III, 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.

