

RESOLUTION NO. 2020- 443

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR AN EXISTING WATER LINE LOCATED NEAR THE INTERSECTION OF STATE ROAD 207 AND HILLTOP 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; and

**WHEREAS**, this Easement was given in connection with an existing water line located near the intersection of State Road 207 and Hilltop Road; and

**WHEREAS**, the existing line provides a point of connection for the utility to serve this property owner and/or other customers located within this service area; 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 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, scriveners 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 of St. Johns County is instructed to record the original Easement for Utilities in the Public Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 17<sup>th</sup> day of November, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Henry Dean

Henry Dean, Vice Chairman

**ATTEST:**

Brandon J. Patty

Clerk of the Circuit Court & Comptroller

By: Pam Halterman  
Deputy Clerk

RENDITION DATE 11/19/20



## EXHIBIT "A" TO RESOLUTION

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

### EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this \_\_\_\_ day of \_\_\_\_\_, 2020 by **GRACE MARIE FREIGI**, with an address of 2590 Hill Top Road, St. Augustine, Florida 32086, 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 underground water distribution system, and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water 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.

(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 water and sewer 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) 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, and shall be responsible for restoration of sod. The Grantee shall not be responsible for restoration of 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.

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:  
[Signature]  
Witness Signature

CLIVE GUEST  
Print Name

By: [Signature]  
Grace Marie Freigi

[Signature]  
Witness Signature

Shari Lewis  
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 14 day of October, 2020, by Grace Marie Freigi, who is personally known to me or has produced FL DL as identification.

(Notary Seal)

Notary Public: [Signature]  
My Commission Expires: \_\_\_\_\_

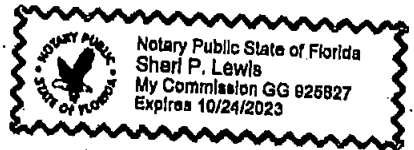


EXHIBIT "A"

EASEMENT AREA

A PORTION OF LAND LYING IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF TRACT 52 AS SHOWN ON PLAT OF ST. AUGUSTINE HEIGHTS UNIT NO. 1 AND 2, AS RECORDED IN MAP BOOK 10, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 00°37'30" WEST, ALONG THE WEST LINE OF TRACT 52 AS SHOWN ON SAID PLAT ST. AUGUSTINE HEIGHTS UNIT NO. 1 AND 2, A DISTANCE OF 3.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87°55'40" WEST, A DISTANCE OF 86.17 FEET; THENCE NORTH 67°58'08" WEST, A DISTANCE OF 31.59 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF HILLTOP ROAD AS NOW ESTABLISHED; THENCE SOUTH 22°27'22" EAST, ALONG SAID EAST RIGHT OF WAY LINE OF HILLTOP ROAD, A DISTANCE OF 42.92 FEET; THENCE SOUTH 89°49'38" EAST, ALONG THE SOUTH LINE OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 2921 PAGE 1201, A DISTANCE OF 98.73 FEET; THENCE NORTH 00°37'30" EAST, ALONG AFOREMENTIONED WEST LINE OF TRACT 52, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2936 SQUARE FEET MORE OR LESS.

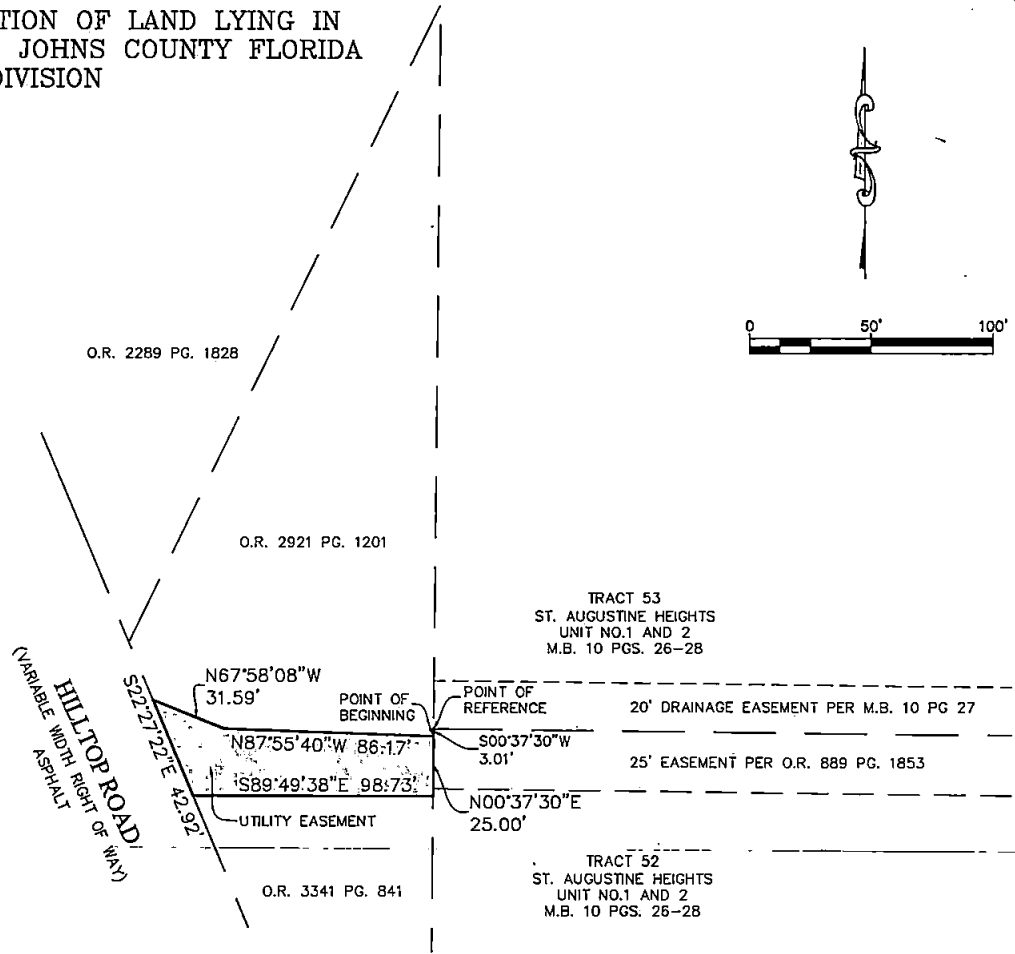
MAP SHOWING A SKETCH OF DESCRIPTION OF A PORTION OF LAND LYING IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY FLORIDA FOR: ST. JOHNS COUNTY UTILITIES DIVISION

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.

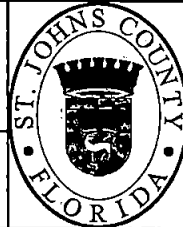
LEGEND

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



HILLTOP ROAD - UTILITY EASEMENT

SKETCH OF DESCRIPTION  
DATE OF SKETCH: SEPTEMBER 29, 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: J.MANNING

FILE NUMBER: S-1116

SHEET NO. 1  
OF 1



EXHIBIT "B" TO RESOLUTION

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

Utility Department

---

INTEROFFICE MEMORANDUM

---

TO: Sheri Lewis, Real Estate Coordinator  
FROM: Sam Schlesinger, Utilities Engineer  
SUBJECT: Hilltop Road  
DATE: October 23, 2020

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

After acceptance by the 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  
 0 100 200  
 Feet  
 October 23, 2020

Easement for Utilities

*Hilltop 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.

