

RESOLUTION NO. 2020- 472

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES AND A WARRANTY, ASSOCIATED WITH THE WATER METER SYSTEM TO SERVE MOULTRIE OAKS RETIREMENT COMMUNITY PHASE VI LOCATED OFF WILDWOOD DRIVE.

RECITALS

WHEREAS, Moultrie Oaks Mobile Home Park, LLC, a Florida limited liability company has executed and presented to the County an Easement for Utilities associated with the water meter system to serve Moultrie Oaks Retirement Community Phase VI located off Wildwood Drive, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, VJ Usina Contracting, Inc., a Florida corporation, has executed and presented to the County a Warranty for work performed at Moultrie Oaks Retirement Community Phase VI, attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "C," 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 and Warranty, attached and incorporated hereto, are 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 Circuit Court is instructed to record the original Easement for Utilities and file the Warranty in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 1 day of December, 2020.

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

By: Henry Dean
Henry Dean, Vice Chairman

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

RENDITION DATE 12/3/20

Sam Halterman
Deputy Clerk



Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 30th day of June, 2020
by Moultre Oaks MHP, LLC, with an address of
245 Wildwood Dr St Augustine FL 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 meters 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. The location of the ingress and egress area to the Easement area has been mutually agreed upon by the Grantor and Grantee. **As a result, the ingress and egress area is noted on the attached, and incorporated Exhibit B (Ingress/Egress Area).** This easement is for water and/or sewer 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 water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines within the boundary of the Grantor's property excluding the water meters.

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 not 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 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:

Lisa Rabon
Witness Signature

Lisa Rabon
Print Name

Mawreen DeBalle
Witness Signature

Mawreen DeBalle
Print Name

By: [Signature]

Print Name: John D. Staschak

Its: Managing Partner

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means
of physical presence or online notarization, this 7 day of

July, 2020, by

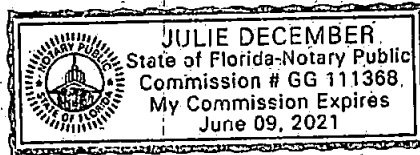
John Staschak as managing partner
for Moultrie Oaks Mobile Home Park L.L.C.

[Signature]

Notary Public

My Commission Expires: 06/09/2021

Personally Known or Produced Identification
Type of Identification Produced



SKETCH OF LEGAL UTILITY EASEMENTS

LEGEND

- POC = POINT OF COMMENCING
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY
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- CONC = CONCRETE
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- PRC = POINT OF REVERSE CURVE
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- WM = WATER METER
- CTV = CABLE TELEVISION RISER
- LP = LIGHT POLE
- WV = WATER VALVE
- HYD = FIRE HYDRANT
- FM = FORCE MAIN
- S = SEWER LINE
- W = WATER LINE
- PS = PUMP STATION
- ⊙ = SEWER MANHOLE
- (300.17) = DISTANCE FROM THE POC

NOTES

THE BASIS OF BEARING AS SHOWN HEREON IS THE EAST LINE OF WILDWOOD ESTATES HAVING AN ASSUMED BEARING OF S 03°09'47" E.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SKETCH.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SKETCH.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS; DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SKETCH IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.


THIS SKETCH IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:
JOHN F. STASCHAK.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SKETCH CONFORMS TO SECTIONS 5J-17.051, 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

08/26/2020 8:04AM \\michael\michael\michael\2014\14-359-2018\400\14-359\8-25\8-25-2020-08-25-2020-08-25-2020

Michael A. Plesco
 DATE SIGNED: 7/27/2022
 MICHAEL A. PLESCO, PLS
 Professional Land Surveyor #4793

ANCIENT CITY SURVEYORS
 LB # 6177



ACS
 PROFESSIONAL
 LAND SURVEYORS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
 ST. AUGUSTINE, FLORIDA 32086
 PHONE: 904-797-9967 FAX: 904-797-6027

SKETCH OF LEGAL
 DATE: 07/20/2020
 SCALE: 1" = 50'
 JOB #: 14-359U/TL

NOTE:
SEE PAGES 5 & 6 FOR SKETCHES OF EASEMENT

DESCRIPTION BY SURVEYOR

EASEMENT "A"

A UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF WILDWOOD ESTATES AS RECORDED IN MAP BOOK 13, PAGES 5 AND 6 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 03 DEGREES 09 MINUTES 47 SECONDS EAST, ALONG THE EAST LINE OF SAID WILDWOOD ESTATES, A DISTANCE OF 262.62 FEET; THENCE NORTH 88 DEGREES 23 MINUTES 23 SECONDS EAST, A DISTANCE OF 69.03 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 86 DEGREES 48 MINUTES 23 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 03 DEGREES 11 MINUTES 37 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 86 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 5.00 FEET; NORTH 03 DEGREES 11 MINUTES 37 SECONDS WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 25 SQUARE FEET MORE OR LESS.

EASEMENT "B"

A UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF WILDWOOD ESTATES AS RECORDED IN MAP BOOK 13, PAGES 5 AND 6 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 03 DEGREES 09 MINUTES 47 SECONDS EAST, ALONG THE EAST LINE OF SAID WILDWOOD ESTATES, A DISTANCE OF 300.17 FEET; THENCE NORTH 86 DEGREES 50 MINUTES 13 SECONDS EAST, A DISTANCE OF 112.90 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 03 DEGREES 11 MINUTES 37 SECONDS WEST, A DISTANCE OF 5.00 FEET; THENCE NORTH 86 DEGREES 48 MINUTES 23 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 03 DEGREES 11 MINUTES 37 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 86 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 25 SQUARE FEET MORE OR LESS.

EASEMENT "C"

A UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF WILDWOOD ESTATES AS RECORDED IN MAP BOOK 13, PAGES 5 AND 6 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 03 DEGREES 09 MINUTES 47 SECONDS EAST, ALONG THE EAST LINE OF SAID WILDWOOD ESTATES, A DISTANCE OF 382.29 FEET; THENCE NORTH 86 DEGREES 50 MINUTES 13 SECONDS EAST, A DISTANCE OF 143.37 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 53 DEGREES 49 MINUTES 11 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 36 DEGREES 10 MINUTES 49 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 53 DEGREES 49 MINUTES 11 SECONDS WEST, A DISTANCE OF 5.00 FEET; NORTH 36 DEGREES 10 MINUTES 49 SECONDS WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 25 SQUARE FEET MORE OR LESS.

EASEMENT "D"

A UTILITY EASEMENT SITUATED IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

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THE AFOREDESCRIBED PARCEL CONTAINS 40 SQUARE FEET MORE OR LESS.

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Michael A. Plesco
DATE SIGNED: 7/27/2020
MICHAEL A. PLESCO, P.L.S.
Professional Land Surveyor #4793

ANCIENT CITY SURVEYORS
LB # 8177



ACS
PROFESSIONAL
LAND SURVEYORS

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SKETCH OF LEGAL
DATE: 07/20/2020
SCALE: 1" = 50'
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SKETCH OF LEGAL

INGRESS/EGRESS/ACCESS EASEMENT

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DATE SIGNED: 6/26/2020
Michael A. Pisco
MICHAEL A. PISCO, PLS
Professional Land Surveyor #1793

ANCIENT CITY SURVEYORS
LD # 8177



ACS
PROFESSIONAL
LAND SURVEYORS

4426 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
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NOTE:

SEE PAGES 3 & 4 FOR SKETCH OF EASEMENT

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THE AFOREDESCRIBED PARCEL CONTAINS 0.986 ACRES MORE OR LESS.

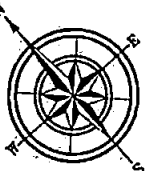
06/26/2020 8:04AM \\Miami\mcs\p13\land\cond\2014\14-359-2010\Area\14-359\INGRESS-EGRESS.dwg

DATE SIGNED: 06/26/2020

Michael A. Plesco

MICHAEL A. PLESKO PLS
Professional Land Surveyor #4783

ANCIENT CITY SURVEYORS LD # 8177

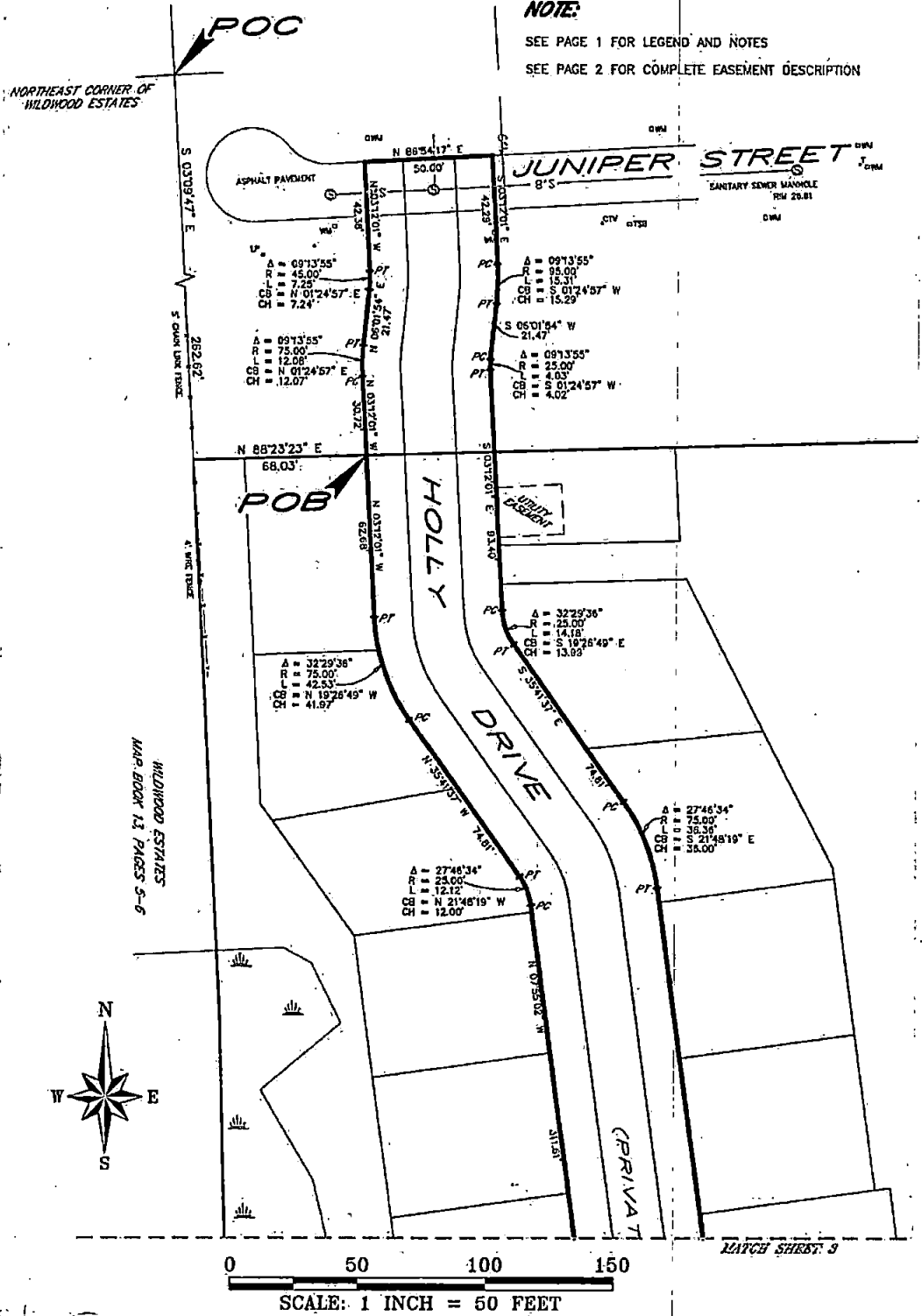


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SKETCH OF LEGAL
DATE: 06/26/2020
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NOTE:
SEE PAGE 1 FOR LEGEND AND NOTES
SEE PAGE 2 FOR COMPLETE EASEMENT DESCRIPTION



06/26/2020 09:24 AM \\sant\project\land\062620\14-359-2019\dwg\14-359-ING-ENG-001.dwg

SEAL

Michael A. Pisco

DATE SIGNED: 06/26/2020

MICHAEL A. PISCO PLS.
Professional Land Surveyor #4789

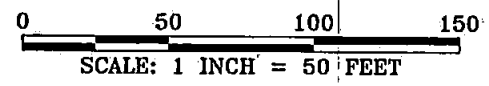
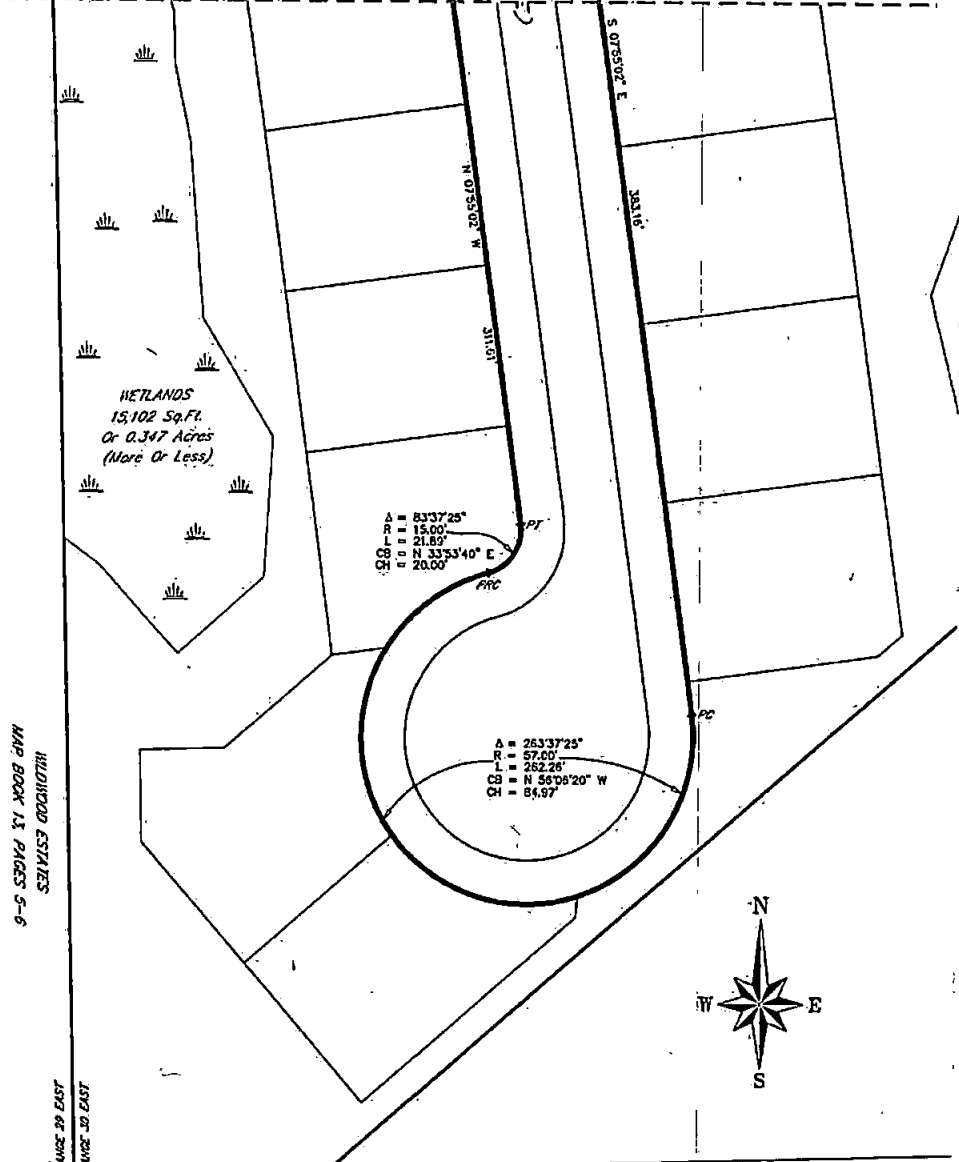
ANCIENT CITY SURVEYORS
LB # 0177

ACS
PROFESSIONAL
LAND SURVEYORS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-9867 FAX: 904-797-6027

SKETCH OF LEGAL
DATE: 06/26/2020
SCALE: 1" = 50'
JOB#: 14-359-ING-ENG

MATCH SHEET 2



OFFICIAL RECORDS BOOK 1797, PAGE(S) 514

NOTE:
SEE PAGE 1 FOR LEGEND AND NOTES
SEE PAGE 2 FOR COMPLETE EASEMENT DESCRIPTION

SEAL
DATE SIGNED: 6/26/2020
Michael A. Plesco
MICHAEL A. PLESKO PLS
Professional Land Surveyor #4703

ANCIENT CITY SURVEYORS
LD # 8177

ACS
PROFESSIONAL
LAND SURVEYORS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-9967 FAX: 904-797-6027

SKETCH OF LEGAL
DATE: 06/26/2020
SCALE: 1" = 50'
JOB#: 14-359-ING-ENG

6/26/2020 9:04AM AncientCitySurveyors\Michael\2014\14-359-2019\AncientCitySurveyors-ENG.dwg



**WARRANTY
UTILITY IMPROVEMENTS**

Date: August 14, 2020
Project Title: Moultrie Oaks Retirement
Community
St. Johns County, Florida

FROM: VJ Usina Contracting, Inc
4669 Avenue A
Saint Augustine, FL 32095

TO: St. Johns County Utility Department
Post Office Box 3006
St. Augustine, Florida 32085

The undersigned warrants all its work performed in connection with the above project to be free from all defects in material and workmanship for a period of (1) year from the date of acceptance of the project by St. Johns County and agrees to remedy all defects arising with that period at its expense.

The term defects shall not be construed as embracing damage arising from misuse, negligence, Acts of God, normal wear and tear or failure to follow operating instructions.

Contractor:

Crystal Durham
Contractor's Signature

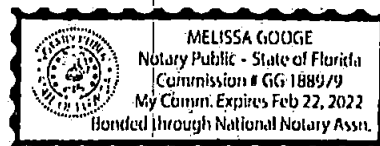
Crystal Durham
Print Contractor's Name

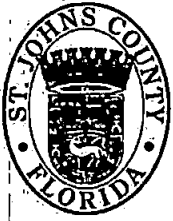
STATE OF FLORIDA
COUNTY OF FL

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th day of August, 2020, by Crystal Durham as Project Manager for VJ Usina Contracting, Inc.

Melissa Gouge
Notary Public
My Commission Expires: _____

Personally Known or Produced Identification
Type of Identification Produced





St. Johns County Board of County Commissioners

Utility Department

INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Moultrie Oaks Retirement Community Phase VI
DATE: October 27, 2020

Please present the Easement and Warranty to the Board of County Commissioners (BCC) for final approval and acceptance of Moultrie Oaks Retirement Community Phase VI.

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.



2019 Aerial Imagery
 0 180 320 640
 Feet
 Date: 10/30/2020

Easement for Utilities
 & Warranty

Moultrie Oaks Retirement
 Community Phase VI

Land Management
 Systems
 Real Estate
 Division
 (904) 209-0782

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.

