

RESOLUTION NO. 2021- 246

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA ACCEPTING AN EASEMENT FOR
UTILITIES FOR WATER AND SEWER LINES OFF NINA COURT.**

RECITALS

WHEREAS, David and Michele Smith have executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, for installation of utility lines behind their home located off Nina Court; and

WHEREAS, Resolution No. 2012-306 dated November 6, 2012 accepted an Easement for Utilities from the Oakbridge Homeowners Association, Inc. for water and sewer service over all areas designated "utility easement areas" within the Plat of Innlet Beach Unit Five; and

WHEREAS, the utility easement area shown on the Plat for Innlet Beach Unit Five recorded at Map Book 13, Page 19 narrows and terminates at the homeowners' property; and

WHEREAS, the St. Johns County Utility Department requires an additional 2 foot by 10 foot easement area to link utility lines to a new lift station which will be located on the adjacent property; 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; and

WHEREAS, it is in the best interest of the County to accept this 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.

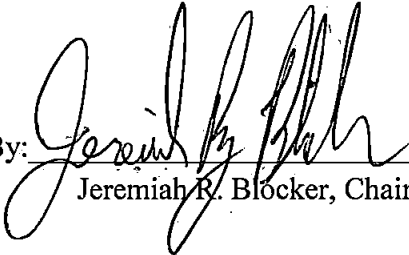
Section 2. The above described Easement for Utilities, attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

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 Easement for Utilities in the Public Records of St. Johns County, Florida.

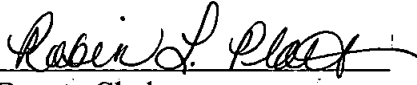
PASSED AND ADOPTED this 15th day of June, 2021.

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

By: 
Jeremiah R. Blocker, Chair

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

RENDITION DATE JUN 17 2021

By: 
Deputy Clerk

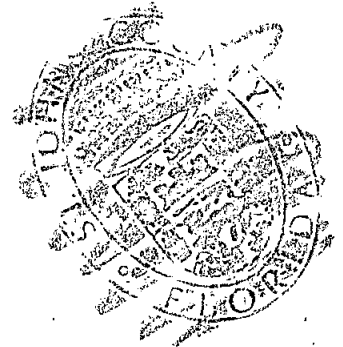


EXHIBIT "A" TO RESOLUTION

Prepared By:
St. Johns County
Real Estate Department
500 San Sebastian View
St. Augustine, FL 32084

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 14 day of MAY, 2021 by **DAVID S. SMITH and MICHELE SMITH**, his wife, with an address of 107 Nina Court, Ponte Vedra Beach, FL 32082, 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, gravity sewer collection system, and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer 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 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 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.

(b) GRAVITY SEWER SYSTEM - Grantee, by acceptance of this Easement, hereby agrees to maintain gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals; The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service laterals. Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals.

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, 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:

Amanda L. Brown
Witness Signature

Amanda L. Brown
Print Name

By: David Scott Smith

Print Name: David S. Smith

Laurel Matthews
Witness Signature

LAUREL MATTHEWS
Print Name

By: Michele Smith

Print Name: Michele Smith

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th day of May, 2021, by David Smith and Michele Smith, who are personally known to me or have produced FL DL as identification.

(Notary Seal)

Notary Public: Todd Doemel
My Commission Expires: 12-10-23

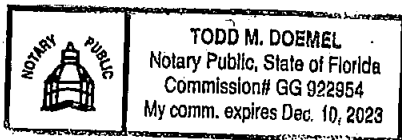


EXHIBIT "A"

EASEMENT AREA

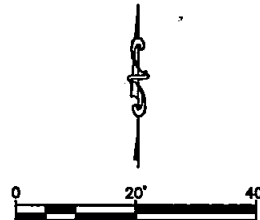
A PORTION OF LOT 4, BLOCK 2, AS SHOWN ON PLAT OF INNLET BEACH UNIT FIVE AS RECORDED IN MAP BOOK 13, PAGES 19 THROUGH 20 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTH CORNER OF LOT 4, BLOCK 2 AS SHOWN ON SAID PLAT OF INNLET BEACH UNIT FIVE; THENCE NORTH $35^{\circ}53'27''$ WEST, ALONG THE SOUTH-WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 16.74 FEET TO THE POINT OF BEGINNING; THENCE NORTH $35^{\circ}53'27''$ WEST, ALONG SAID LOT LINE, A DISTANCE OF 10.00 FEET; THENCE NORTH $55^{\circ}49'59''$ EAST A DISTANCE OF 2.03 FEET; THENCE SOUTH $33^{\circ}52'46''$ EAST, ALONG THE WESTERLY LINE OF AN EXISTING SEWER EASEMENT, A DISTANCE OF 10.00 FEET; THENCE SOUTH $55^{\circ}49'59''$ WEST A DISTANCE OF 1.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 19 SQUARE FEET MORE OR LESS.

MAP SHOWING A SKETCH OF DESCRIPTION OF A PORTION OF LOT 4,
 BLOCK 2, INNLET BEACH UNIT FIVE AS RECORDED IN
 MAP BOOK 13, PAGES 19-20 OF THE PUBLIC RECORDS OF
 ST. JOHNS COUNTY, FLORIDA.
 FOR: ST. JOHNS COUNTY UTILITIES DEPARTMENT

SURVEYORS NOTES:

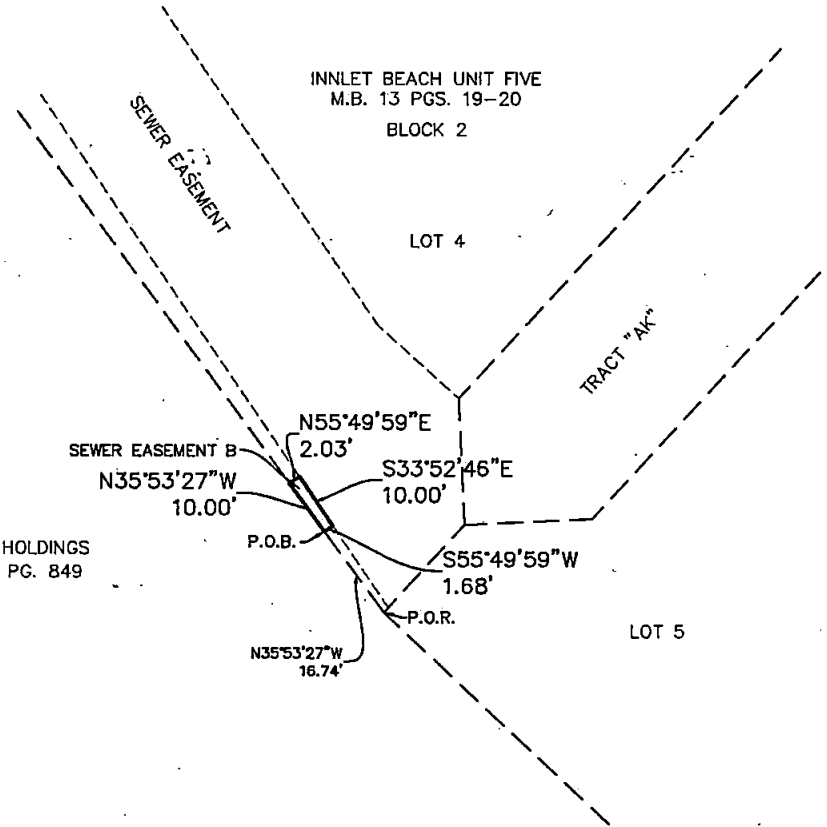
1. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN.
3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR, 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.



LEGEND

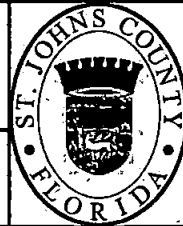
- M.B. MAP BOOK
- O.R. OFFICIAL RECORDS
- PG.(S) PAGES
- P.O.C. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING

ALTA MAR HOLDINGS
 O.R. 4446 PG. 849



NINA CT LIFT STATION - SEWER EASEMENT B

SKETCH OF DESCRIPTION
 DATE OF SKETCH: MARCH 22, 2021



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-1053B
SHEET NO. 1
OF 1



EXHIBIT "B" TO RESOLUTION

St. Johns County Board of County Commissioners

Utility Department

INTEROFFICE MEMORANDUM

TO: Sheri Lewis, Sr. Real Estate Coordinator
FROM: Scott Trigg, Utilities Chief Engineer – Capital Group
SUBJECT: Nina Court Easement for Utilities
DATE: May 24, 2021

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

After acceptance by BCC, please provide the Utility Department with a copy of the executed Resolution for our files.

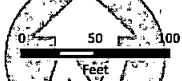
Your support and cooperation as always are greatly appreciated.



2 ft x 10 ft
Easement Area



2019 Aerial Imagery



May 20, 2021

Easement for Utilities

Nina Court

Land Mngt. Systems
Real Estate Division
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.

