

RESOLUTION NO. 2022-314

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES AND A TEMPORARY CONSTRUCTION EASEMENT FOR A NEW WASTEWATER TRANSMISSION FORCE MAIN TO BE LOCATED BETWEEN COUNTY ROAD 214 AND BRIAN WAY.**

**RECITALS**

**WHEREAS**, a property owner has executed and presented to the County an Easement for Utilities and a Temporary Construction Easement, attached hereto as Exhibit “A” and Exhibit “B”, incorporated by reference and made a part hereof, for installation of a new wastewater transmission force main to be located between County Road 214 and Brian Way; and

**WHEREAS**, this property is ideally located to redirect the concentrate from the CR 214 Water Treatment Facility to existing wastewater infrastructure near Lightsey Road and SR 207. This new force main will improve the capacity of the transmission system and divert flows to the Anastasia Island Wastewater Treatment Facility; and

**WHEREAS**, the easement is sized to accommodate future water and wastewater infrastructure needs; and

**WHEREAS**, it is in the best interest of the County to accept this Easement for Utilities and Temporary Construction Easement 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 and Temporary Construction Easement, 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.

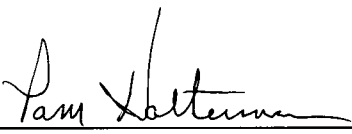
Section 4. The Clerk of the Court is instructed to record the original Easement for Utilities and Temporary Construction Easement in the Public Records of St. Johns County, Florida.

**PASSED AND ADOPTED** this 10th day of September, 2022.

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

BY:   
Henry Dean, Chair

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

  
Deputy Clerk

**Rendition Date** 9/8/22

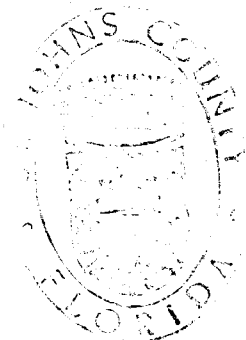


EXHIBIT "A" TO RESOLUTION

Prepared by:  
St. Johns County  
500 San Sebastian View  
St. Augustine, FL 32084

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 10 day of Aug, 2022 by DONALD N. SULLIVAN and PEGGY A. SULLIVAN, husband and wife, with an address of Post Office Box 486, St. Augustine, FL 32085, hereinafter called "Grantors" 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, Grantors agree as follows:

1. Grantors do 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, sewer force mains, reuse 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 Grantors are lawfully seized of said land in fee simple and thereby have the authority to grant said easement.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record.

(a) Grantors reserve 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.

(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 Grantors, 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 Grantors' request provided that Grantors bear the cost of relocating the underground water and sewer utility lines and facilities located within the Easement area. At Grantors' request, and upon relocation of such lines at Grantors' expense, Grantee and Grantors 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 Grantors.

(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 Grantors.

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. Grantors or Grantors' successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

(b) SEWER FORCE MAINS - Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains located within the Easement Area.

(c) 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 Grantors or Grantors' successors and assigns shall be responsible for the maintenance of such sewer service laterals. Grantors hereby specifically indemnify and hold Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals.

(d) REUSE SYSTEM - The Grantee shall maintain all reuse mains and other elements of the reuse distribution system up to and including the reuse meter or meters. Grantors or Grantors' successors and assigns shall be responsible for maintaining any reuse lines between the reuse 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, including restoration of sod, to the condition existing prior to such installation, construction, repair, replacement or removal, but 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, "Grantors" mean the owners from time to time of the Easement Area or any part thereof.

IN WITNESS WHEREOF, Grantors have 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

Tyler Sullivan  
Print Name

By: [Signature]  
Donald N. Sullivan


[Signature]  
Witness Signature

Candy Strickland  
Print Name

By: [Signature]  
Peggy A. Sullivan

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 10th day of August, 2022, by Donald N. Sullivan and Peggy A. Sullivan, who are  personally known to me or have produced DL as identification.

(Notary Seal) 

Notary Public: [Signature]  
My Commission Expires: 4-10-2024

**EXHIBIT "A"**

**EASEMENT AREA**

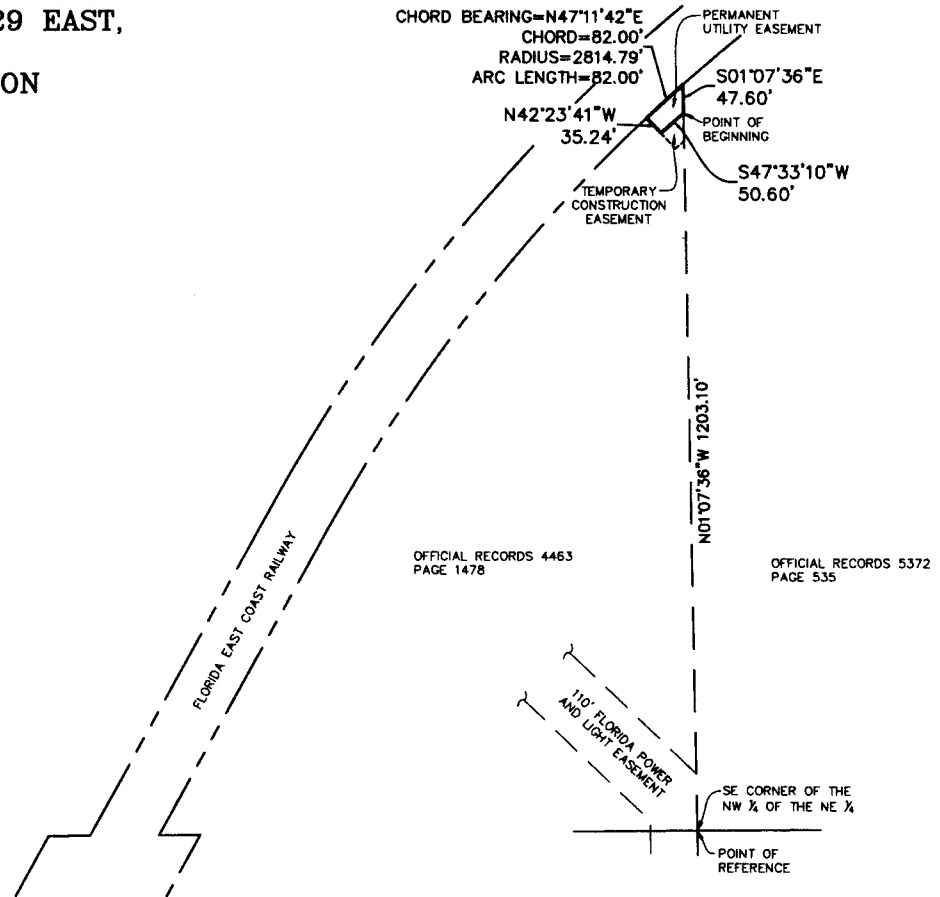
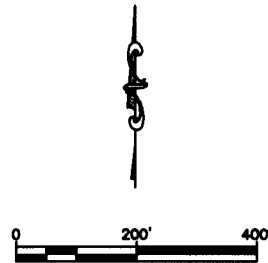
A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH  $01^{\circ}07'36''$  WEST, ALONG THE EAST LINE OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 4463, PAGE 1478 OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 1203.10 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  $47^{\circ}33'10''$  WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 50.60 FEET; THENCE NORTH  $42^{\circ}23'41''$  WEST A DISTANCE OF 35.24 FEET, TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY; SAID POINT IS ON A CURVE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2814.79; THENCE NORTHEASTERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A CHORD BEARING OF NORTH  $47^{\circ}11'42''$  EAST A DISTANCE OF 82.00 FEET; THENCE SOUTH  $01^{\circ}07'36''$  EAST, DEPARTING SAID RIGHT OF WAY LINE AND ALONG THE EAST LINE OF AFOREMENTIONED PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 4463, PAGE 1478, A DISTANCE OF 47.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 2365 SQUARE FEET MORE OR LESS.

MAP SHOWING A SKETCH OF DESCRIPTION OF A PORTION  
 OF SECTION 27, 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. THIS IS A SKETCH OF DESCRIPTION AND DOES NOT PURPORT TO BE AN ACTUAL BOUNDARY SURVEY.
  5. DESCRIPTION FURNISHED SEPARATELY.
  6. AERIAL PHOTOGRAPHY, IF SHOWN, WAS OBTAINED IN FEBRUARY 2021.



CR214-SULLIVAN PROPERTY  
 PERMANENT UTILITY EASEMENT

SKETCH OF DESCRIPTION  
 DATE OF SKETCH: AUGUST 16, 2022



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-1250

SHEET NO. 1  
 OF 1

T:\Survey\Land\Project22\CR214 SULLIVAN PROPERTY-UTILITY EASEMENTS\dwg\CR214 SULLIVAN PROPERTY-UTILITY EASEMENT.dwg  
 Plotted: 8/17/2022 4:02 PM By: Jkm Manning

EXHIBIT "B" TO RESOLUTION

Prepared by:  
St. Johns County  
500 San Sebastian View  
St. Augustine, FL 32084

**TEMPORARY CONSTRUCTION EASEMENT**

THIS TEMPORARY CONSTRUCTION EASEMENT made this 10 day of Aug, 2022, by and between DONALD N. SULLIVAN and PEGGY A. SULLIVAN, husband and wife, with a principal address of Post Office Box 486, St. Augustine, FL 32085, as Grantor and ST. JOHNS COUNTY, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, Grantee.

WITNESSETH, that for and in consideration of the sum of \$10.00 (Dollars) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the Grantors hereby give, grant, bargain and release to the Grantee, a Temporary Construction Easement to enter upon and use the Grantors' property located in St. Johns County, Florida, described below, for construction access and temporary staging of construction materials and equipment, together with non-exclusive rights of ingress and egress to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. Grantee shall exercise the easement rights conveyed herein in a manner which are in accordance with applicable federal and state statutes, rules and regulations.

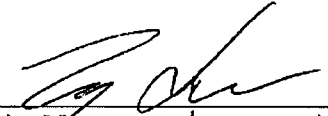
**SEE EXHIBIT "A" ATTACHED HERETO**

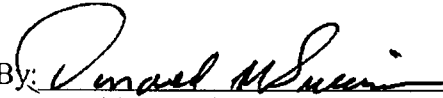
It is understood and agreed by the parties hereto that the rights granted herein shall terminate the date that the project at this location and upon these premises is complete. Grantee shall restore the property to its original condition


when the project is complete. All such restoration shall be accomplished at Grantee's sole cost and expense.

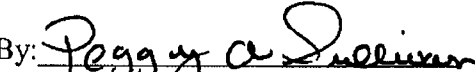
IN WITNESS WHEREOF, Grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in  
Our presence as Witnesses:

  
Print Name: Tyler Sullivan

By:   
Donald N. Sullivan

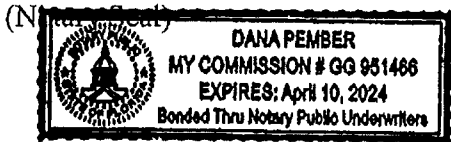
  
Print Name: Candy Strickland

By:   
Peggy A. Sullivan

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of  
 physical presence or  online notarization, this 10th day of  
August, 2022, by Donald N. Sullivan and Peggy A. Sullivan, who  
are personally known to me  or have produced DL as  
identification.

Notary Public:   
My Commission Expires: 4-10-2024



**EXHIBIT "A"**

**TEMPORARY CONSTRUCTION EASEMENT**

A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

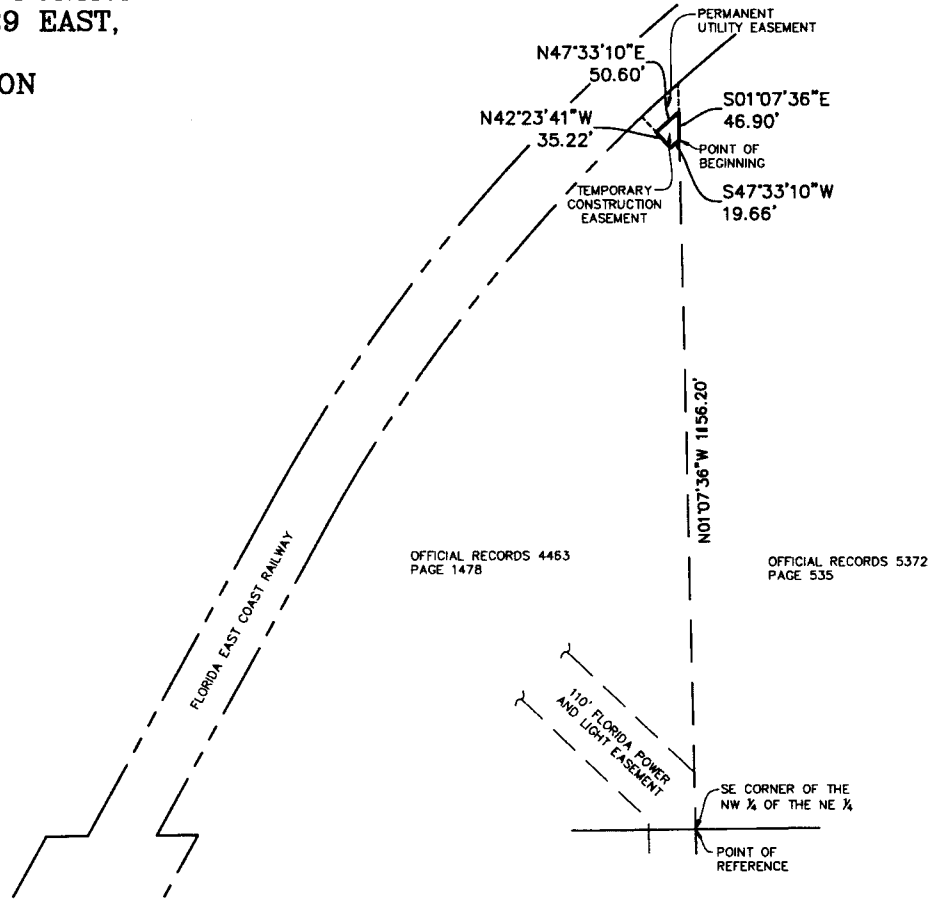
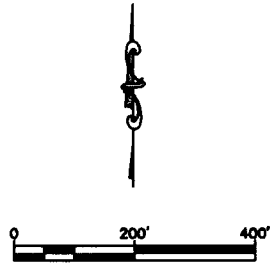
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CONTAINING 1237 SQUARE FEET MORE OR LESS.

MAP SHOWING A SKETCH OF DESCRIPTION OF A PORTION  
 OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 29 EAST,  
 ST. JOHNS COUNTY, FLORIDA.  
 FOR: ST. JOHNS COUNTY UTILITIES DIVISION

SURVEYORS NOTES:

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OFFICIAL RECORDS 4463  
PAGE 1478

OFFICIAL RECORDS 5372  
PAGE 535

CR214-SULLIVAN PROPERTY  
TEMPORARY CONSTRUCTION EASEMENT

SKETCH OF DESCRIPTION  
DATE OF SKETCH: AUGUST 16, 2022



ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS  
SURVEYING AND MAPPING DIVISION

500 SAN SEBASTIAN VIEW  
ST AUGUSTINE, FLORIDA 32084

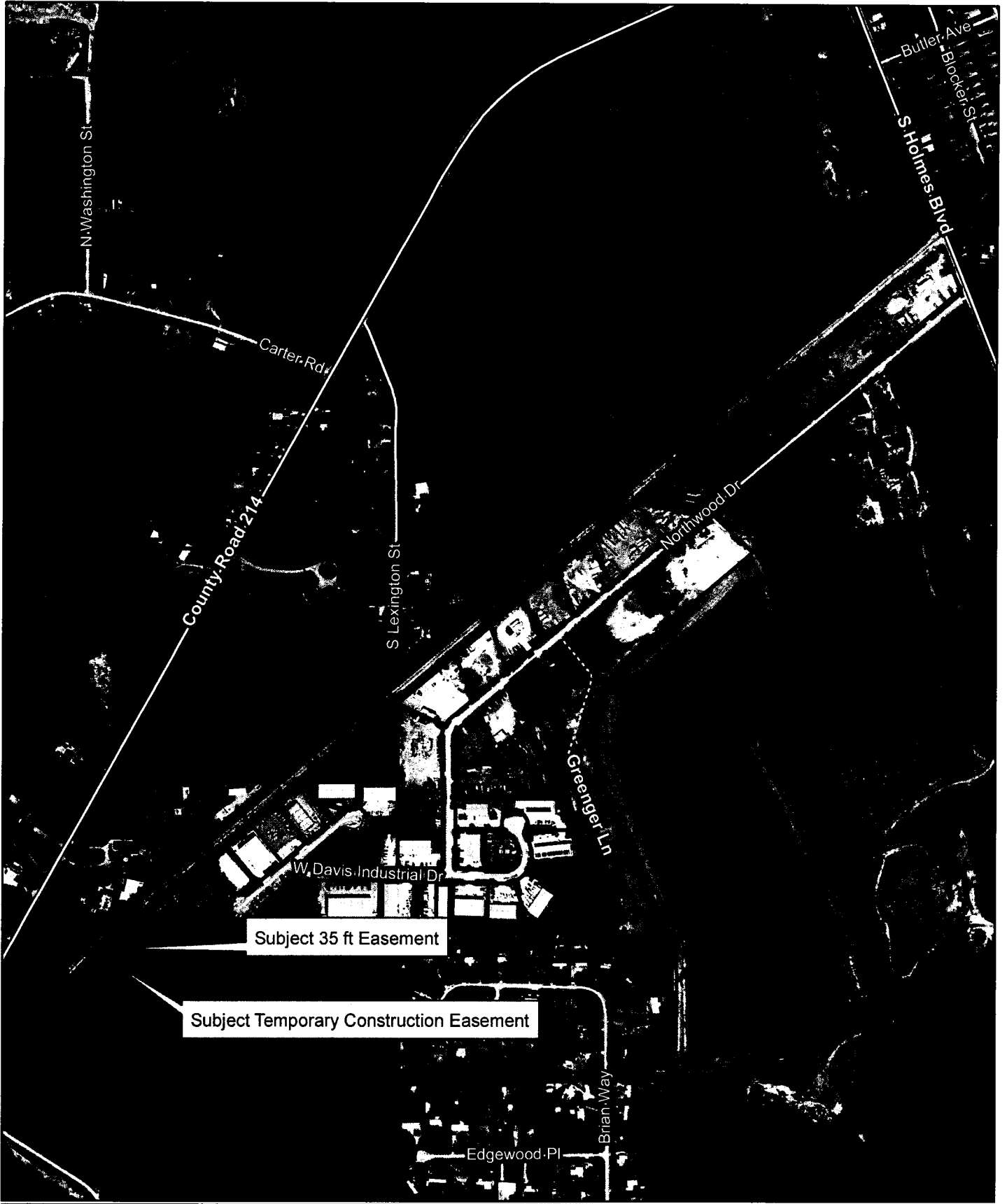
PATRICIA GAIL OLIVER P.S.M. NO. 4564  
Phone (904) 209-0770 Email: goliver@sjcfl.us

DRAWN BY: J.MANNING

FILE NUMBER: S-1250A

SHEET NO. 1

OF 1



2019 Aerial Imagery

0 250 500  
Feet

August 11, 2022

Easement for Utilities and  
Temporary Construction Easement  
*County Road 214*

Land Mgmt. 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.

