

RESOLUTION NO. 2022-363

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES NEEDED FOR INSTALLATION OF A SEWER FORCE MAIN AT TPC BOULEVARD AND A1A NORTH.

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, for installation of a sewer force main at TPC Boulevard and A1A North; and

WHEREAS, installation of this sewer force main will connect sewer service at TPC Boulevard and A1A North; 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 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.

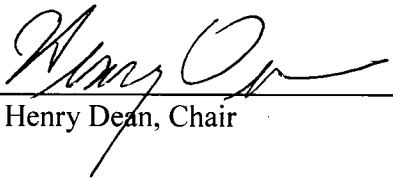
Section 2. The above-described Easement for Utilities, attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

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 4th day of October, 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 10/4/22



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 ____ day of _____, 2022 by **VERANDA OWNERS ASSOCIATION OF PONTE VEDRA BEACH, INC.**, with an address of 814 A1A North, Suite 304, 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, 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 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.

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

(c) 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.

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 Grantee 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.

4. To the extent permitted by law, and without waiving in any way Grantee's sovereign immunity or the limits of liability provided in Section 768.28, Florida Statutes, Grantee shall indemnify, hold harmless, and defend Grantor, its contractors, agents and employees, from and against any and all liabilities, losses, claims, damages, demands, expenses or actions, either at law or in equity, including court costs and attorneys' fees, on

account of personal injury, property damage, loss of monies, or other loss, caused by, or arising out of, or resulting from, or in any way associated with Grantee's construction, operation, use, maintenance, repair and/or replacement of Utility Lines and Associated Equipment located on the Easement Area and resulting from any negligent or willful act or omission by Grantee, its contractors, agents or employees.

5. This Grant of Easement shall inure to the benefit of and be binding of and be binding upon Grantee and its successors and assigns.

6. 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:

**VERANDA OWNERS ASSOCIATION
OF PONTE VEDRA BEACH, INC.**

Debbie von Berner
Witness Signature

By: Elliott S. Horne

Debbie von Berner
Print Name

Print Name: Elliott S. Horne

[Signature]
Witness Signature

Title: Vice President

Cindy Macdonald
Print Name

STATE OF FL
COUNTY OF St Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30th day of August, 2022, by Elliott S. Horne on behalf of Veranda Owners Association of Ponte Vedra Beach, Inc., who is personally known to me or has produced _____ as identification.

(Notary Seal)

Notary Public: Karol D Horne
My Commission Expires: _____



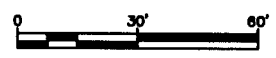
EXHIBIT "A"

EASEMENT AREA

A PORTION OF LAND LOCATED IN THE SECTION 47, TOWNSHIP 3 SOUTH RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF TPC BOULEVARD, AS SHOWN ON PLAT OF WATER OAK, MAP BOOK 14, PAGES 51-54 OF THE PUBLIC RECORDS OF SAID COUNTY, AND THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD A1A, A 200.00 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTH 00°51'16" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD A1A, A DISTANCE OF 49.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°51'16" WEST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 178.46 FEET; THENCE NORTH 89°08'44" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°51'16" EAST, ALONG A LINE THAT IS WESTERLY OF, PARALLEL WITH, AND 20.00 FEET PERPENDICULAR TO SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD A1A, A DISTANCE OF 169.15 FEET; THENCE NORTH 49°05'16" WEST A DISTANCE OF 14.05 FEET; THENCE NORTH 21°24'29" WEST A DISTANCE OF 49.54 FEET TO ITS INTERSECTION WITH THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF TPC BOULEVARD; THENCE SOUTH 89°08'44" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 21.61 FEET; THENCE SOUTH 21°24'29" EAST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 36.43 FEET; THENCE SOUTH 49°05'16" EAST A DISTANCE OF 18.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 4660 SQUARE FEET MORE OR LESS.

MAP SHOWING A SKETCH OF DESCRIPTION OF
 A PORTION OF LAND, LYING IN SECTION 47,
 TOWNSHIP 3 SOUTH, RANGE 29 EAST,
 ST. JOHNS COUNTY, FLORIDA.
 FOR: ST. JOHNS COUNTY UTILITY DEPARTMENT

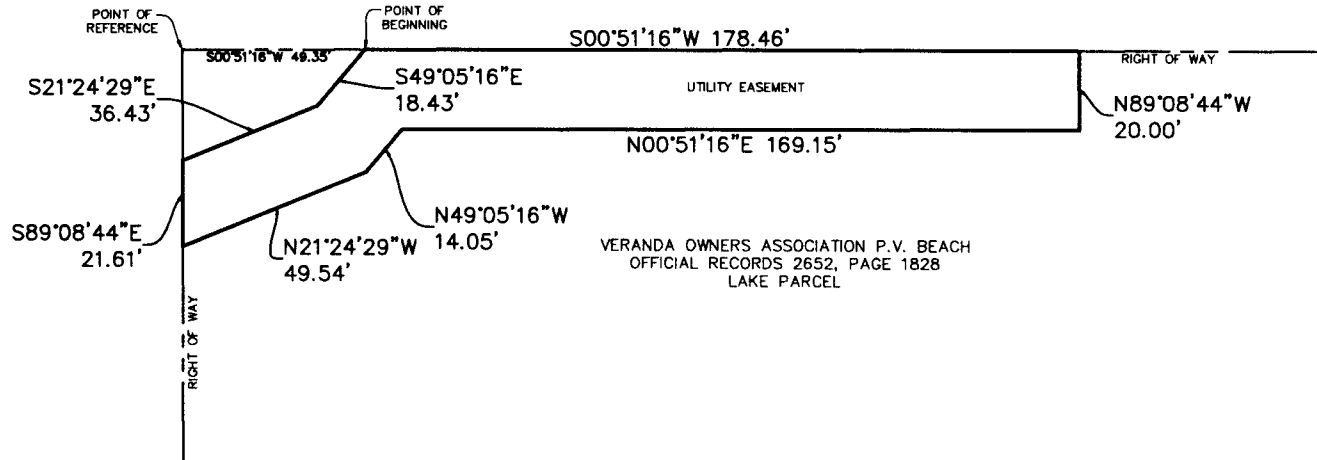


SURVEYORS NOTES:

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 FEBRUARY 2021.

WATER OAK
 MAP BOOK 14
 PAGES 51-54

TPC BLVD
 RIGHT OF WAY VARIES
 (ASPHALT)



TPC BOULEVARD & STATE ROAD A1A NORTH
 UTILITY EASEMENT

SKETCH OF DESCRIPTION
 DATE OF SKETCH: AUGUST 24, 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-1238

SHEET NO. 1
 OF 1



EXHIBIT "B" TO RESOLUTION

St. Johns County Board of County Commissioners

Utility Department

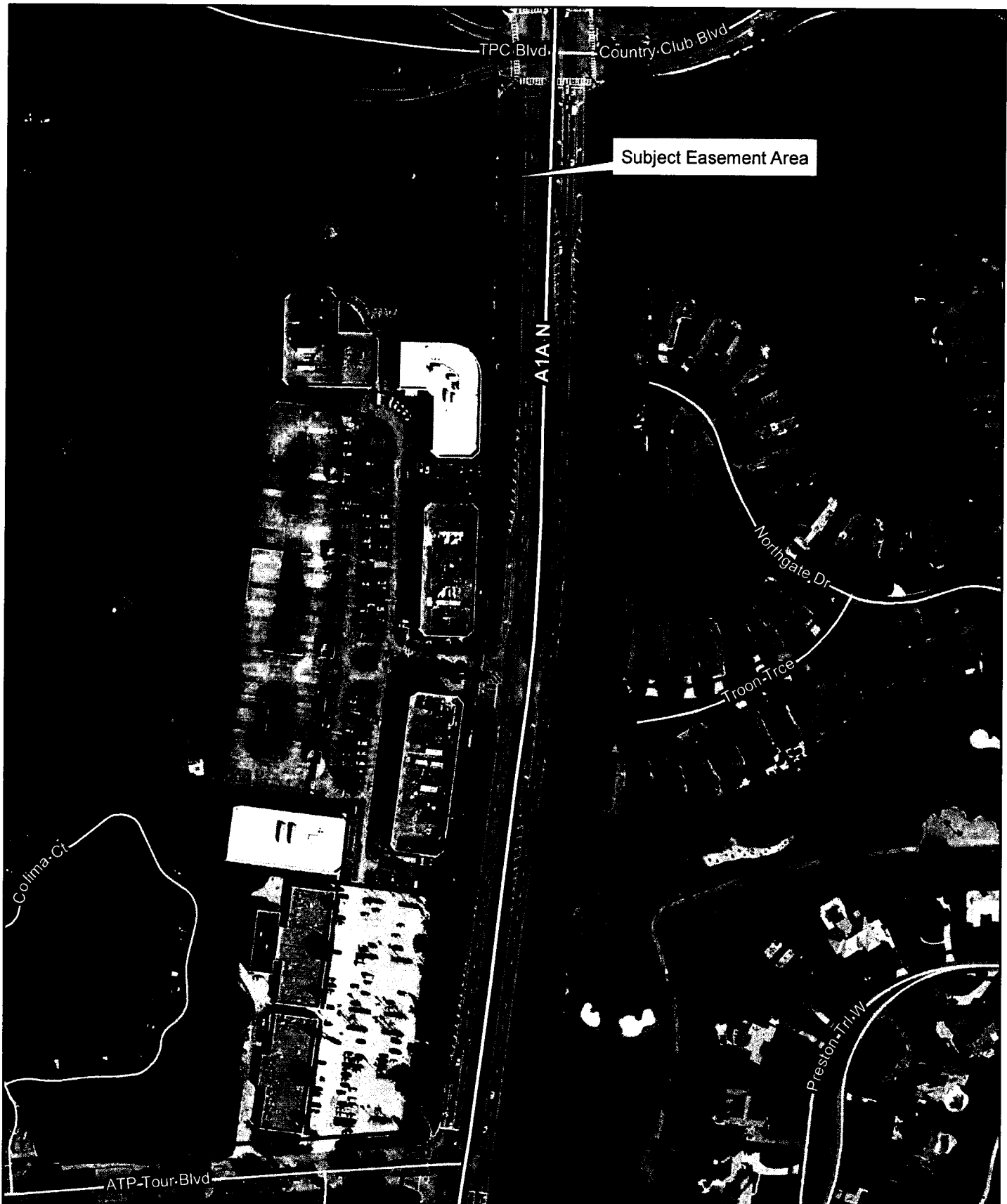
INTEROFFICE MEMORANDUM

TO: Sheri Lewis, Sr. Real Estate Coordinator
FROM: Alan Flood, Utility Engineer
SUBJECT: TPC Boulevard Easement for Utilities
DATE: September 1, 2022

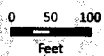
Please present this Easement for Utilities to the Board of County Commissioners (BCC) for final approval and acceptance.

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.



2019 Aerial Imagery



August 8, 2022

Easement for Utilities *TPC Boulevard*

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.

