

RESOLUTION NO. 2022- 70

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 SYSTEM TO SERVE CIRCLE K AT MISSION TRACE LOCATED ON STATE ROAD 16.

RECITALS

WHEREAS, Eclipse First Coast Investments II, LLC, a Texas limited liability company, has executed and presented to the County an Easement for Utilities associated with the water system to serve Circle K at Mission Trace located on State Road 16, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, Aco Construction, LLC, a Florida limited liability company doing business as White Stone Construction, has executed and presented to the County a Warranty for work performed at Circle K at Mission Trace, 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 15 day of March, 2022.

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

LEGALLY SUFFICIENT

Patricia K
Name
Date: 3/16/22

By: Henry Dean
Henry Dean, Chair

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

Rendition Date 3/17/22

Brandon J. Patty
Deputy Clerk



Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 31st day of March, 2021 by Eclipse First Coast Investments II LLC, with an address of 975 State Road 16, Saint Augustine, FL 32084, 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. 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. 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 located 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:

[Signature]

Witness Signature

Marshall Gaskins
Print Name

[Signature]
Witness Signature

Brianna Singley
Print Name

By: [Signature]

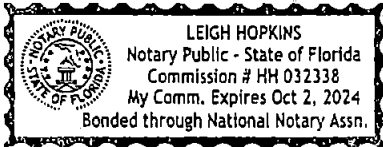
Print Name: DAVID SCHMIDLI

Its: OWNER

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means
of physical presence or online notarization, this 31st day of

March, 2020, by [Signature]
David Schmidli as owner
for 449 Deer Valley Dr



[Signature]
Notary Public
My Commission Expires: 10/02/2024

Personally Known or Produced Identification
Type of Identification Produced

SKETCH OF WATER METER EASEMENT

LOCATED IN SECTION 10, TOWNSHIP 7 SOUTH, RANGE 29 EAST
ST JOHNS COUNTY, FLORIDA

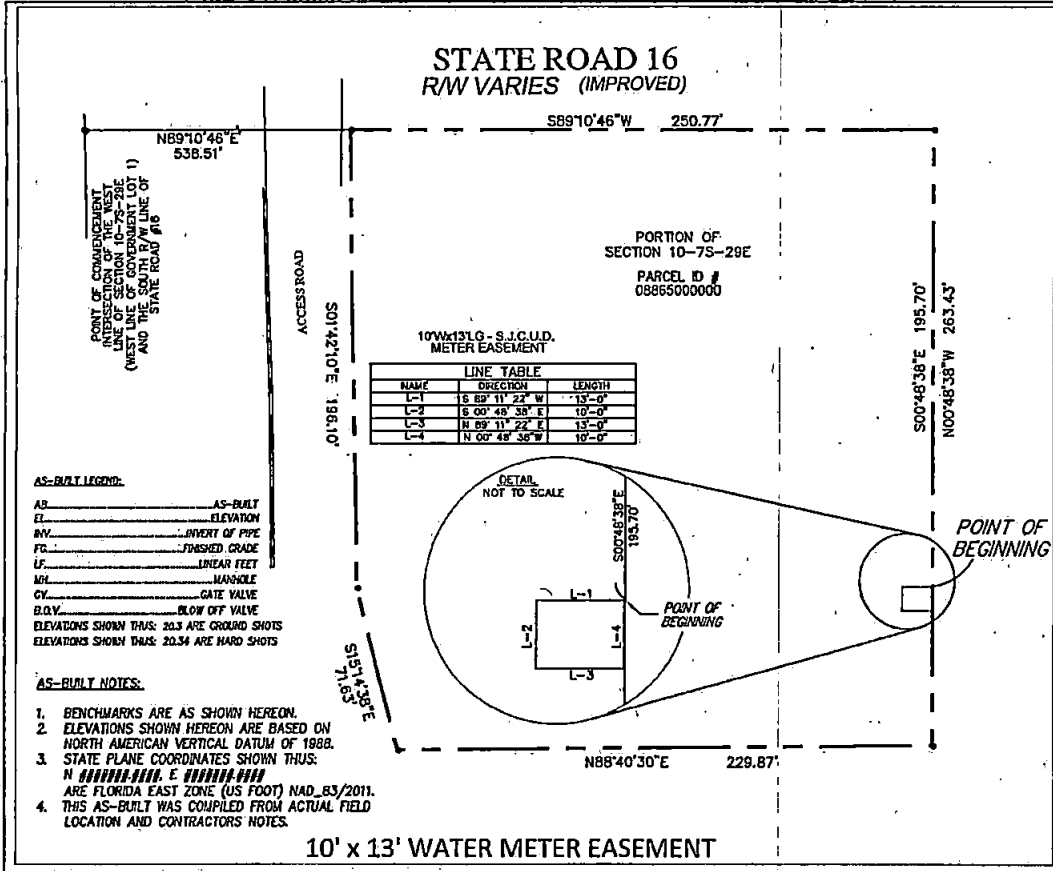


EXHIBIT "A"

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 10 (BEING ALSO THE WEST LINE OF GOVERNMENT LOT 1) AND THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 16; THENCE NORTH 89°10'46" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 16, A DISTANCE OF 538.51 FEET TO THE NORTHWEST CORNER OF THE SUBJECT PARCEL (PARCEL ID NO: 088650-0000); THENCE CONTINUING ALONG SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 16' FOR A DISTANCE OF 250.77 FEET; THENCE SOUTH 00°48'38" EAST FOR A DISTANCE OF 195.70 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°11'22" WEST FOR A DISTANCE OF 13 FEET; THENCE SOUTH 00°48'38" EAST FOR A DISTANCE OF 10 FEET; THENCE NORTH 89°11'22" EAST FOR A DISTANCE OF 13 FEET; THENCE NORTH 00°48'38" WEST FOR A DISTANCE OF 10 FEET TO THE POINT OF BEGINNING.

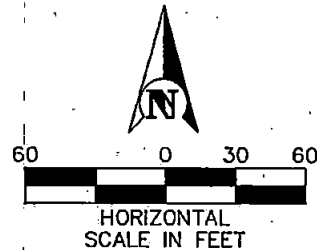
SAID PARCEL CONTAINS 130 SQUARE FEET.

SURVEYORS REPORT:

- EASEMENTS OR RIGHTS OF WAY THAT APPEAR ON RECORDED PLANS OR THAT HAVE BEEN FURNISHED TO THE SURVEYOR BY OTHERS HAVE BEEN INCORPORATED INTO THIS DRAWING WITH APPROPRIATE NOTATION. OTHER EASEMENTS MAY BE DISCOVERED BY A SEARCH OF THE PUBLIC RECORDS.
- MEASUREMENT METHODS USED FOR THIS SURVEY MEET STANDARDS OF PRACTICE FOR LAND SURVEYING AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 5 J-17.050-.052 REQUIREMENTS.
- FEATURES SHOWN BY SYMBOL ARE NOT TO SCALE.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE COMMITMENT. A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCEL AS SHOWN.
- DIMENSIONS ARE SHOWN IN U.S. SURVEY FEET AND DECIMALS THEREOF.
- THIS SURVEY IS FOR THE PURPOSE STATED ABOVE ONLY.

NOTICE OF LIABILITY:

THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.



CERTIFIED TO:
ST. JOHNS COUNTY UTILITY DEPARTMENT

Not valid without the signature and seal of a State of Florida Professional Surveyor and Mapper

Anthony Paul O'Neil

ANTHONY PAUL O'NEIL
FLORIDA REGISTERED PSM NO. 5684

DATE OF SURVEY:
OCT. 23, 2020
DRAWING NO.:
21-23
DRAWING SCALE:
1"=60'
SHEET NO.
1 OF 1

975 STATE ROAD 16
ST. AUGUSTINE
ST. JOHN'S CO. FLORIDA

CERTIFIED TO:
ST. JOHNS COUNTY UTILITY DEPARTMENT

MRE of JAX
ENTERPRISES, LLC.
6005 POWERS AVENUE, SUITE 104
JACKSONVILLE, FLORIDA 32217
LD 6276

Exhibit "B" to Resolution



WARRANTY UTILITY IMPROVEMENTS

Date: 5/24/21
Project Title: Kangaroo Express/TCBY
St. Johns County, Florida

FROM: ACO CONSTRUCTION LLC; DBA WHITE STONE CONSTRUCTION
1906 River Oaks Road
Jacksonville, Florida 32207

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:

[Handwritten Signature]
Contractor's Signature

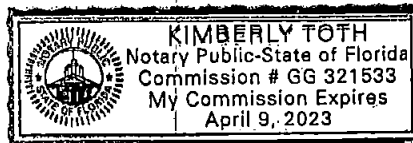
Kevin O'Donnel
Print Contractor's Name

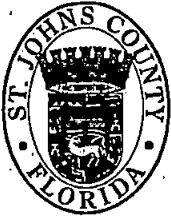
STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this
25 day of May, 2021, by
Kevin O'Donnel as contractor for
Whitestone Construction

[Handwritten Signature]
Notary Public
My Commission Expires: April 9 2023

Personally Known or Produced Identification
Type of Identification Produced





St. Johns County Board of County Commissioners

Utility Department

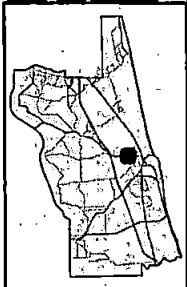
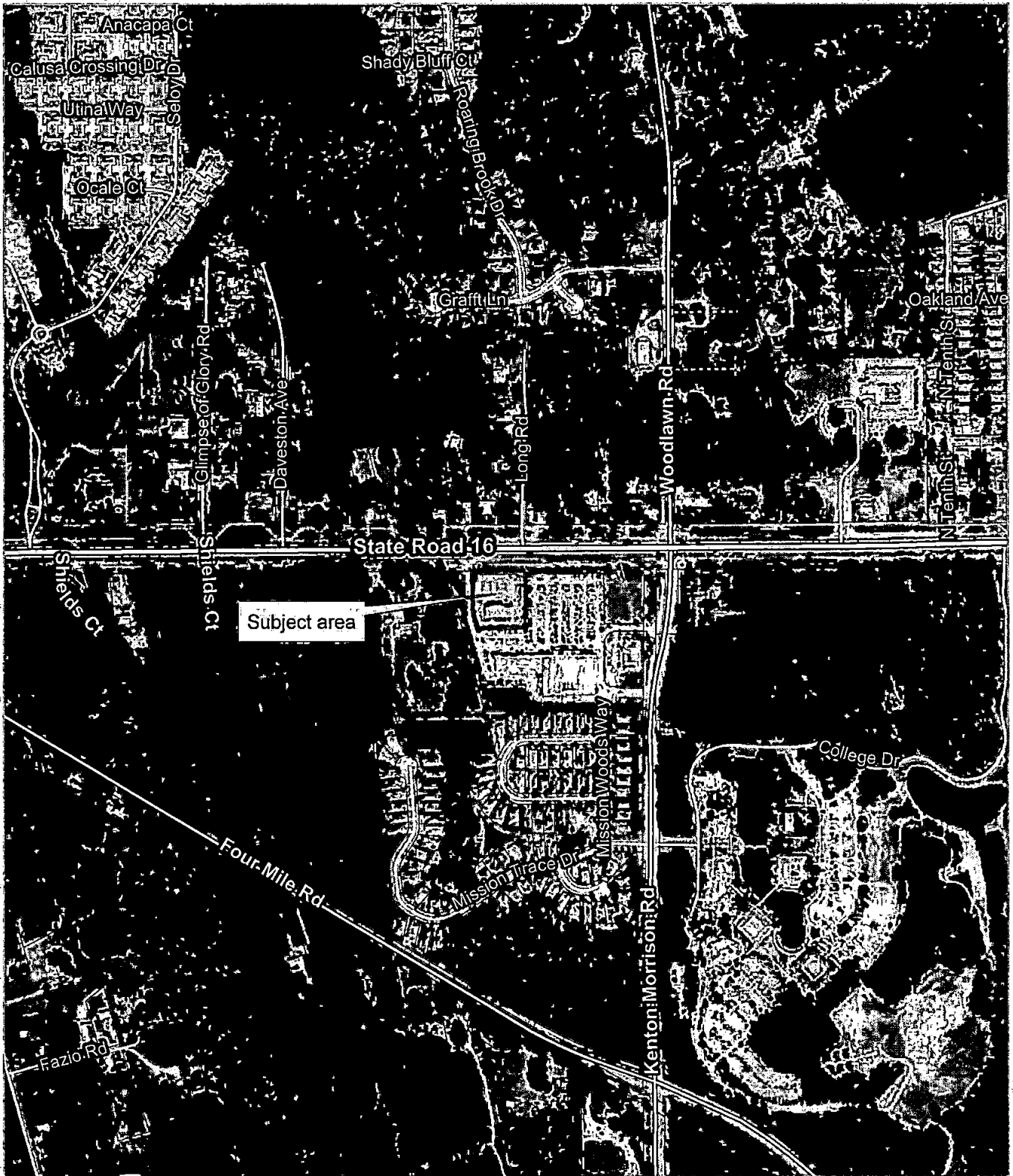
INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Circle K at Mission Trace
DATE: November 17, 2021

Please present the Easement and Warranty to the Board of County Commissioners (BCC) for final approval and acceptance of Circle K at Mission Trace.

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.



Aerial Photography 2021.
 0 33,750 7,500 135,000
 Feet
 Date: 2/1/2022

Easement for Utilities & Warranty
 Circle K at Mission Trace

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.

