

RESOLUTION NO. 2025- 82

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A TEMPORARY ACCESS EASEMENT FOR A TELECOMMUNICATION TOWER TO BE LOCATED OFF SAINT JOHNS PARKWAY.

RECITALS

WHEREAS, the St. Johns County Land Development Code (“LDC”), Section 6.08.12, requires the dismantling and removal of antenna towers after abandonment; and,

WHEREAS, Section 6.08.12.S of the LDC conditions approval to locate or construct antenna towers upon receipt of a valid easement, in favor of the County, to allow for access and removal of the facility in the event that it is abandoned; and,

WHEREAS, as part of an application to the St. Johns County Growth Management Department to construct a telecommunication tower off Saint Johns Parkway, (*see* TOWER 2024-2), Nextower Development Group II, LLC in conjunction with White’s Ford Timber , LLC, has submitted a Temporary Access Easement, attached hereto as Exhibit “A,” incorporated by reference and made a part hereof, to provide the required access.

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 Temporary Access Easement, attached and incorporated hereto, is hereby approved by the Board of County Commissioners and the County Administrator, or designee, is authorized to execute the easement on behalf of the County.

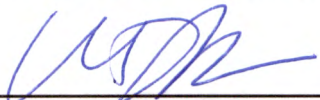
Section 3. To the extent that there are typographical, scrivener and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

Section 4. The Clerk is instructed to record the Temporary Access Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 18th day of march, 2025.

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

Rendition Date MAR 18 2025

BY: 
Krista Joseph, Chair

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


Deputy Clerk



EXHIBIT "A" TO RESOLUTION

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

TEMPORARY ACCESS EASEMENT

This Temporary Access Easement (the "Easement") is made this _____ day of _____, 2025, by and between **WHITES FORD TIMBER, LLC**, A Florida limited liability company, whose address is 50 Silver Forest Drive, Suite 200, St. Augustine, Florida 32092, "Grantor", to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, "Grantee", its licensees, agents, successors and assigns, with the consent of **NEXTOWER DEVELOPMENT GROUP II, LLC**, a Delaware limited liability company, 905 NW 56th Terrace, Suite A, Gainesville, FL 32605 NW ("Tenant"). This Easement grants a non-exclusive right of way access easement for the purpose of ingress and egress by Grantee, Grantee's agents or assigns, at any and all time, to and from the leased premises (the "Leased Premises") which is more particularly described herein in Exhibit "A" attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, Grantor, as Landlord, has entered into an Option & Ground Lease Agreement, referred to hereinafter as "Agreement", dated September 23, 2022, granting the Tenant a leasehold interest in the Leased Premises; and

WHEREAS, the Agreement contemplates the construction of a telecommunications facility on the Leased Premises; and

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications facilities after abandonment; and

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires an easement for access to the Leased Premises for removal of an abandoned telecommunications facility not complying with Section 6.08.12(N) (providing for time periods for removal of an abandoned telecommunications facility); and

NOW, THEREFORE, Grantor, for and in consideration of the sum of Ten and No/Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, a non-exclusive easement over the lands of Grantor more particularly described on Exhibit "B" attached hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Tenant's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12(N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Leased Premises and to remove the telecommunications facilities therefrom in accordance with and subject to the requirements of Section 6.08.12(N) of the Zoning Ordinance.

The Grantor warrants to Grantee that it has good and indefeasible fee simple title to the Easement Area and the authority to enter into this easement.

If the Tenant does not commence construction of telecommunications facilities on the premises within 12 months of recordation of this Easement then, at the request of Grantor, the County will execute and record a termination of this easement.

The Easement shall terminate automatically upon removal of the Tenant's telecommunications facilities from the Leased Premises, whether removed by the Tenant, Grantor or Grantee. At the request of the Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of Grantor's request, Grantor may record an affidavit certifying that the telecommunications facilities have been removed and that this Easement has been terminated.

Grantor reserves the right at its expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantor's property, provided that the relocated easement shall provide the Grantee substantially the same ingress and egress rights herein granted. Any such relocated easement shall be evidenced by an amendment to the Easement executed by Grantor and Grantee herein.

(SIGNATURES ON FOLLOWING PAGES)

IN WITNESS WHEREOF, party of the first part has executed this Temporary Access Easement on the day and year first above written.

Signed, sealed and delivered
In the presence of:

GRANTOR

Sign: Beverly L. Cunningham
Print Name: Beverly L. Cunningham
Address: 50 Silver Forest Drive, Suite 200
St. Augustine, Florida 32092

WHITES FORD TIMBER, LLC,
a Florida limited liability company

By: Kimberly S. Bryan
Print Name: Kimberly Bryan
Title: Vice President
Address: 50 Silver Forest Drive, Suite 200,
St. Augustine, Florida 32092

Sign: Tania G. Chancey
Print Name: Tania G. Chancey
Address: 50 Silver Forest Drive, Suite 200
St. Augustine, Florida 32092

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 17th day of February, 2025, by Kimberly S. Bryan as Vice President for White's Ford Timber, LLC who is personally known to me or has produced _____ as identification.



BEVERLY L. CUNNINGHAM
Notary Public
State of Florida
Comm# HH445328
Expires 11/20/2027

Beverly L. Cunningham
Notary Public
My commission expires: 11/20/2027

Signed, sealed and delivered
In the presence of:

Sign: [Signature]
Print Name: Joel Rousseau
Address: 905 NW 56 Terrace, Suite A
Gainesville, Florida 32605

Sign: [Signature]
Print Name: Kim Rousseau
Address: 905 NW 56 Terrace, Suite A
Gainesville, Florida 32605

CONSENTING PARTY

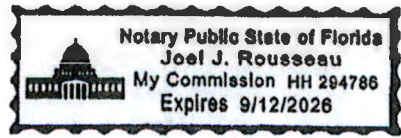
NEXTOWER DEVELOPMENT GROUP II, LLC.
A Delaware limited liability company

By: [Signature]
Print Name: David H. Boeff
Title: President & CEO
Address: 905 NW 56 Terrace, Suite A
Gainesville, Florida 32605

**STATE OF FLORIDA
COUNTY OF ALACHUA**

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization, this 28 day of January, 2025, by
DAVID H. BOEFF as President & CEO for
NEXTOWER Development Group II, LLC. who is personally known to me or has produced
[Signature] as identification.

[Signature]
Notary Public
My commission expires: 9/12/2026



IN WITNESS WHEREOF, party of the first part has executed this Temporary Access Easement on the day and year first above written.

Signed, sealed and delivered
In the presence of:

ST. JOHNS COUNTY, FLORIDA, a
political subdivision of the State of Florida

Witness Signature

By: _____
Joy Andrews, County Administrator

Print Name

St. Johns County
4010 Lewis Speedway
St. Augustine, FL 32084

Witness Signature

Print Name

St. Johns County
4010 Lewis Speedway
St. Augustine, FL 32084

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20__ by Joy Andrews as County Administrator for St. Johns County who is personally known to me.

Notary Public
My Commission Expires: _____

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

Deputy Clerk

EXHIBIT "A"

The Leased Premises

NEXTOWER LEASE PARCEL

A PARCEL OF LAND LYING IN THE NORTH HALF OF THE NORTH HALF OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 27 EAST; THENCE NORTH 89°03'39"EAST, ALONG THE NORTH LINE OF SAID SECTION 1, FOR 1532.82 FEET; THENCE S00° 56' 21"E, DEPARTING SAID NORTH LINE, FOR 329.03 FEET TO A POINT LYING ON THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 23, A VARIABLE WIDTH LIMITED ACCESS RIGHT-OF-WAY AS PRESENTLY ESTABLISHED; THENCE N89° 05' 41"E, ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE, FOR 357.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2454.00 FEET; THENCE EASTERLY, CONTINUING ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°49'11", AN ARC LENGTH OF 1405.68 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 72°41'06" EAST, 1386.54 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SILVERLAKE DRIVE (A PROPOSED VARIABLE WIDTH RIGHT-OF-WAY) AND A NON-TANGENT POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1311.50 FEET; THENCE SOUTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SILVERLAKE DRIVE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°07'17", AN ARC LENGTH OF 483.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S59° 50' 58"E, 480.74 FEET; THENCE S70° 24' 37"E, ALONG SAID RIGHT-OF-WAY LINE, FOR 162.27 FEET; THENCE S19° 35' 23"W FOR 217.81 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE S37° 32' 35"W FOR 80.00 FEET; THENCE N52° 27' 25"W FOR 80.00 FEET; THENCE N37° 32' 35"E FOR 80.00 FEET; THENCE S52° 27' 25"E FOR 80.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND SITUATE, LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA, CONTAINING 6,400 SQUARE FEET MORE OR LESS.

EXHIBIT "B"

Easement Area

NEXTOWER INGRESS & EGRESS EASEMENT

AN EASEMENT STRIP OF LAND FOR THE PURPOSES OF INGRESS & EGRESS LYING IN THE NORTH HALF OF THE NORTH HALF OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA; SAID EASEMENT STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 27 EAST; THENCE NORTH 89°03'39"EAST, ALONG THE NORTH LINE OF SAID SECTION 1, FOR 1532.82 FEET; THENCE S00° 56' 21"E, DEPARTING SAID NORTH LINE, FOR 329.03 FEET TO A POINT LYING ON THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 23, A VARIABLE WIDTH LIMITED ACCESS RIGHT-OF-WAY AS PRESENTLY ESTABLISHED; THENCE N89° 05' 41"E, ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE, FOR 357.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2454.00 FEET; THENCE EASTERLY, CONTINUING ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°49'11", AN ARC LENGTH OF 1405.68 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 72°41'06" EAST, 1386.54 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SILVERLAKE DRIVE (A PROPOSED VARIABLE WIDTH RIGHT-OF-WAY) AND A NON-TANGENT POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1311.50 FEET; THENCE SOUTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SILVERLAKE DRIVE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°07'17", AN ARC LENGTH OF 483.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S59° 50' 58"E, 480.74 FEET; THENCE S70° 24' 37"E, ALONG SAID RIGHT-OF-WAY LINE, FOR 162.27 FEET; THENCE S19° 35' 23"W FOR 217.81 FEET; THENCE S37° 32' 35"W FOR 80.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT STRIP OF LAND: THENCE CONTINUE S37° 32' 35"W FOR 142.02 FEET; THENCE N52° 27' 25"W FOR 25.00 FEET; THENCE N37° 32' 35"E FOR 53.98 FEET, TO A POINT OF CURVATURE; THENCE NORTHERLY FOR 65.86 FEET ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 50.00 FEET, CENTRAL ANGLE OF 75° 28' 31", SUBTENDED BY A CHORD BEARING AND DISTANCE OF N00° 11' 40"W, 61.20 FEET TO A POINT OF TANGENCY; THENCE N37° 55' 56"W FOR 109.93 FEET, TO A POINT OF CURVATURE; THENCE NORTHERLY FOR 201.02 FEET ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 187.50 FEET, CENTRAL ANGLE OF 61° 25' 35", SUBTENDED BY A CHORD BEARING AND DISTANCE OF N07° 13' 08"W, 191.53 FEET TO A POINT OF TANGENCY; THENCE N23° 29' 40"E FOR 86.99 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF SILVERLAKE DRIVE AND A NON-TANGENT POINT ON A CURVE; THENCE SOUTHEASTERLY FOR 25.00 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE ARC OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 1311.50 FEET, CENTRAL ANGLE OF 01° 05' 32", SUBTENDED BY A CHORD BEARING AND DISTANCE OF S66° 16' 02"E, 25.00 FEET; THENCE S23° 29' 40"W FOR 86.88 FEET, TO A POINT OF CURVATURE; THENCE SOUTHERLY FOR 174.22 FEET ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 162.50 FEET, CENTRAL ANGLE OF 61° 25' 35", SUBTENDED BY A CHORD BEARING AND DISTANCE OF S07° 13' 08"E, 165.99 FEET TO A POINT OF TANGENCY; THENCE S37° 55' 56"E FOR 142.15 FEET; THENCE N37° 32' 35"E FOR 23.51 FEET; THENCE S52° 27' 25"E FOR 25.00 FEET TO THE POINT OF BEGINNING.

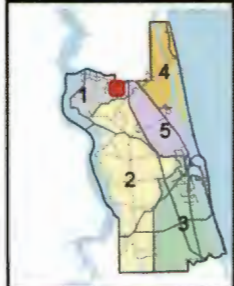
NEXTOWER RELOCATABLE ACCESS EASEMENT

AN EASEMENT STRIP OF LAND FOR THE PURPOSES OF ACCESS LYING IN THE NORTH HALF OF THE NORTH HALF OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA; SAID EASEMENT STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Approximate Tower Location



2024 Aerial Imagery
Date: 2/21/2025

Temporary Access Easement
Nextower Development
Group II, LLC



Land Management
Systems
(904) 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 herein.