

RESOLUTION 86-177

WHEREAS, St. Johns County was the beneficiary of a grant of pedestrian easement at the Pointe at Ponte Vedra condominium; and

WHEREAS, the present landowner has requested that the County accept and consent to a proposed First Amendment To Grant Of Pedestrian Easement dated *Nov. 20*, 1986, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the existing easement at its present location is not needed for County purposes and the amendment of such easement in the manner proposed by the First Amendment To Grant of Pedestrian Easement is in the best interest of the County and such amended easement is needed for County purposes.

NOW, THEREFORE, BE IT RESOLVED this 25 day of November, 1986, by the Board of County Commissioners of St. Johns County, Florida that the First Amendment To Grant Of Pedestrian Easement from BBJ Properties, Inc., to St. Johns County dated *Nov 20*, 1986, is accepted and the Chairman and Clerk are authorized and instructed to execute the original and cause it to be recorded in the official public records of St. Johns County, Florida at County expense.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Phyllis L. Lydon*
Its Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: *Cheryl Kent*
Deputy Clerk

FIRST AMENDMENT TO GRANT OF PEDESTRIAN EASEMENT

This First Amendment to Grant of Pedestrian Easement is made as of the 20th day of November, 1986 by MBB Ltd., a Florida limited partnership ("Grantor") and St. Johns County, a Political Subdivision of the State of Florida, c/o St. Johns County Courthouse, St. Augustine, Florida ("Grantee")

W I T N E S S E T H:

WHEREAS, by Grant of Pedestrian Easement dated July 20, 1984 and recorded in Official Records Volume 653, Page 1241 of the Public Records of St. Johns County, Florida, Lagoon at Ponte Vedra, Inc., a Florida corporation, granted a nonexclusive easement for pedestrian and bicycle ingress and egress over certain lands located in St. Johns County, Florida and more particularly described on Exhibit B of the Grant of Pedestrian Easement as the "Pathway";

WHEREAS, Grantor is the successor in interest to Lagoon at Ponte Vedra, Inc. and the owner of the land which is subject to the Grant of Pedestrian Easement;

WHEREAS, Grantor and Grantee desire to amend the Grant of Pedestrian Easement to relocate the Pathway and to make other amendments thereto.

NOW THEREFORE, Grantor and Grantee hereby amend the Grant of Pedestrian Easement by deleting Exhibit B and substituting therefor Exhibit B attached to this First Amendment to Grant of Pedestrian Easement, and by restating the Grant of Pedestrian Easement to read in its entirety as follows:

PRELIMINARY STATEMENT

Grantor is the owner of the certain land located in St. Johns County, Florida, more particularly described on Exhibit A hereto (the "Land"). Grantor wishes to provide to Grantee an easement over a portion of the Land for pedestrian and bicycle ingress and egress.

GRANT

NOW THEREFORE, for good and valuable consideration the receipt and sufficiency of which is acknowledged, Grantor hereby grants to Grantee a ten (10) feet wide nonexclusive perpetual easement over that portion of the Land more particularly described on Exhibit B hereto and identified thereon as the "Pathway" for pedestrian and bicycle ingress and egress from San Juan Drive to the foot bridge adjoining the Land on its easterly side.

1. Paving. Grantor, or its successors and assigns, shall pave a five (5) foot wide portion of the Pathway at Grantor's sole cost and expense at such time as the development of the Land is completed. The location of such paving within the Pathway shall be determined by Grantor in its sole discretion.

2. Use of the Pathway.

(a) The Pathway shall be for the use of pedestrians and bicycle riders transversing the Land. The pedestrian and bicycle easement shall have an entrance from San Juan Drive separate from that used by vehicular traffic and will not be obstructed directly or indirectly by a gate house or other security measures.

(b) Grantor shall have the right to use the Pathway for any purposes that do not unreasonably interfere with the use and enjoyment of the rights herein granted. In addition, Grantor may install any form of utility line above or below the Pathway, so

Prepared by & returned to:

BERT C. SIMON, ESQ. P.O. Box 10697
1325 SAN MARCO BLVD, SUITE 600
TAMPA, FL 33617-0697

long as such installation does not obstruct or otherwise unreasonably interfere with the use of the Pathway.

3. Modification. This Easement may be modified or terminated by an instrument signed by Grantor and Grantee, or their successors and assigns with the formalities from time to time required of a deed.

4. Maintenance. Grantor shall maintain the Pathway in good order and repair and the expenses associated with such maintenance shall be the responsibility of Grantor. At such time as Grantor has established a residential development on the Land, the association of owners within such development shall maintain the Pathway at its expense.

5. Running of Benefits and Burdens. The provisions of this easement, including the benefits and burdens, run with the Land and are binding upon and inure to the benefit of the successors and assigns of the Grantor and Grantee.

IN WITNESS WHEREOF, Grantor has caused its duly authorized officer to execute this Grant of Pedestrian Easement as of the date first mentioned above.

Witnesses:

MBB Ltd., a Florida limited partnership

By: Pointe La Vista, Inc., its general partner

By: Elliot W. Butts
Its: President

J. Donald Cole
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY

By: Phyllis L. Lydon
Chairman

ATTEST:

Carl "Bud" Markel, Clerk

By: Carl "Bud" Markel
Deputy Clerk

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 20th day of November, 1986 by Elliot W. Butts, President of Pointe La Vista, Inc., a Florida corporation, on behalf of the corporation as general partner of MBB, Ltd., a Florida limited partnership, on behalf of the limited partnership.

Art C. Linn
Notary Public, State of Florida
at Large

Notary Public, State of Florida
My Commission Expires March 10, 1990
Bonded thru Toy Fair - Insurance Inc.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before me personally appeared Phyllis L. Lydon, the Chairman of the County Commissioners of St. Johns County, to me well known and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged to and before me that he executed the same on behalf of said commission for the purposes therein expressed.

WITNESS my hand and official seal this 25th day of November 1986, at county and state aforesaid.

Marie Hudson
Notary Public, State of Florida
at Large

Notary Public, State of Florida
My Commission Expires Oct. 29, 1990
Bonded Thru Troy Pain Insurance Inc.

3154C/7/25/86

LEGAL DESCRIPTION:

A tract of land comprised of a portion of Government Lots 2 and 3, Section 15, Township 5 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

For point of reference, commence at the Northeast corner of Lot 16, Block 63, Ponte Vedra, according to plat recorded in Map Book 10, Page 89, Public Records of said County, said point lying on the Westerly right of way line of San Juan Drive, as said right of way is described in Parcel 1 of deed recorded in Deed Book 171, Page 535, said Public Records, and run S-89°56'40"E., perpendicular to said right of way line, a distance of 60.00 feet to a point on the Easterly right of way line of said San Juan Drive; run thence S-0°03'20"W., along said right of way line, a distance of 72.26 feet to a point of curvature; run thence Southerly, along said right of way line and along the arc of a curve, concave Westerly with a radius of 830.00 feet, an arc distance of 222.57 feet to the point of beginning, said arc being subtended by a chord bearing and distance of S-7°44'15"W., 221.90 feet

From the point of beginning thus described, run Northerly, along said Easterly right of way line of San Juan Drive and along the arc of said curve, an arc distance of 222.57 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of N-7°44'15"E., 221.90 feet; run thence N-0°03'20"E., along said right of way line, a distance of 247.00 feet to a point; run thence S-89°56'40"E. a distance of 69.22 feet to a point of curvature; run thence Southeasterly, along the arc of a curve, concave Southwesterly with a radius of 383.88 feet, an arc distance of 211.44 feet to a point of tangency, said arc being subtended by a chord bearing and distance of S-74°09'55"E., 208.78 feet; run thence S-58°25'10"E. a distance of 620.00 feet to a point; run thence S-8°23'10"E. a distance of 295.00 feet to a point; run thence S-49°04'56"W. a distance of 220.52 feet to a point; run thence N-75°46'40"W. a distance of 200.00 feet to a point; run thence N-45°46'40"W. a distance of 280.00 feet to a point; run thence S-88°13'20"W. a distance of 120.00 feet to a point; run thence N-59°46'40"W. a distance of 220.00 feet to the point of beginning.

PEDESTRIAN EASEMENT

A strip of land 10.00 feet in width, comprised of a portion of Government Lots 2 and 3, Section 15, Township 3 South, Range 29 East, St. Johns County, Florida. Said land being more particularly described as being a portion of that parcel described in the deed recorded in Official Records Volume 684, Page 1455, Public Records of said County and lying right of adjoining and within 5.00 feet, and left of adjoining and within 5.0 feet, measured perpendicularly, to the following described centerline:

For point of reference, commence at the Northeast corner of Lot 16, Block 63, Ponte Vedra, according to plat recorded in Map Book 10, Page 89, Public Records of said County, said point lying on the Westerly right of way line of San Juan Drive, as said right of way is described in Parcel 1 of the deed recorded in Deed Book 171, Page 535, said Public Records, and run S-89°56'40"E. perpendicular to said right of way line, a distance of 60.00 feet to a point on the Easterly right of way line of said San Juan Drive; run thence S-0°03'20"W., along said right of way line, a distance of 72.26 feet to a point of curvature; run thence Southerly, along said right of way line and along the arc of a curve, concave Westerly with a radius of 830.00 feet, an arc distance of 49.03 feet to the point of beginning, said arc being subtended by a chord bearing and distance of S-01°44'40"W., 49.02 feet.

From the point of beginning thus described, run S-89°56'40"E. a distance of 89.45 feet to a point of curvature; run thence Southeasterly, along the arc of a curve, concave Southwesterly with a radius of 45.00 feet, an arc distance of 61.96 feet to a point of non-tangency, said arc being subtended by a chord bearing and distance of S-50°29'59"E., 57.18 feet; run thence N-78°56'42"E., radial to the aforementioned curve, a distance of 33.13 feet to a point on a curve; run thence Southeasterly, along the arc of said curve, concave Northeasterly with a radius of 50.00 feet, an arc distance of 61.66 feet to a point of tangency, said arc being subtended by a chord bearing and distance of S-46°23'06"E., 57.83 feet; run thence S-81°42'55"E. a distance of 169.54 feet to a point of curvature; run thence Northeasterly, along the arc of a curve, concave Northwesterly with a radius of 15.00 feet, an arc distance of 17.45 feet to a point of non-tangency, said arc being subtended by a chord bearing and distance of N-64°56'58"E., 16.49 feet; run thence S-58°23'10"E., radial to the aforementioned curve, a distance of 30.00 feet to a point on a curve; run thence Northeasterly, along the arc of a curve, concave Southeasterly with a radius of 15.00 feet, an arc distance of 23.56 feet to a point of tangency, said arc being subtended by a chord bearing and distance of N-76°36'50"E., 21.21 feet; run thence S-58°23'10"E. a distance of 90.00 feet to a point of curvature; run thence Southeasterly, along the arc of a curve, concave Southwesterly with a radius of 25.00 feet, an arc distance of 26.13 feet to a point of non-tangency, said arc being subtended by a chord bearing and distance of S-28°26'44"E., 24.96 feet; run thence S-45°39'53"E. a distance of 53.86 feet to a point; run thence N-44°20'07"E. a distance of 13.00 feet to a point; run thence S-45°39'53"E. a distance of 59.00 feet to a point; run thence S-35°52'23"W. a distance of 17.74 feet to a point; run thence S-49°38'47"E. a distance of 24.19 feet to a point; run thence S-40°55'04"E. a distance of 45.67 feet to a point; run thence N-55°47'22"E. a distance of 31.89 feet to a point; run thence S-40°55'04"E. a distance of 69.05 feet to a point; run thence S-51°44'28"E. a distance of 97.31 feet to the point of termination of said centerline, said centerline being bounded on the Southeast by a line bearing N-49°04'56"E. and passing through the point of termination and being bounded on the West by said Easterly right of way line of San Juan Drive, being in a curve, concave Northwesterly and having a radius of 830.00 feet and passing through the point of beginning.

It is the intent of the above description that the side lines of each course be lengthened or shortened as necessary, in order to intersect the side lines of each immediately succeeding or preceding course, as well as extend to and be terminated by as appropriate the various boundary lines so to form a single continuous parcel (10.00 feet in width).

EXHIBIT B - THE PATHWAY