

RESOLUTION NO:91-60
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA

WHEREAS, Harold J. Heffernan and Mary Heffernan, his wife as owners have tendered a easement dated March 11, 1991 to the Board of County Commissioners of St. Johns County, Florida conveying an easement for Ingress and Egress and for a water pipe line under and across their property along with an agreement between St. Johns County and Harold J. Heffernan and Mary Heffernan, his wife.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. JOHNS COUNTY, FLORIDA, that the above described easement and the agreement are hereby accepted by the Board of County Commissioners for St. Johns County, Florida.

THE CLERK is instructed to record the easement and agreement at County expense and to file the Title Search.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 26 day of March 1991.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Donald R. Keady*
Its Chairman

ATTEST: Carl "Bud" Markel, Clerk

BY: *Annette Wilkin*
Deputy Clerk

91 8541

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Harold J. Heffernan and Mary Heffernan, his wife, of the County of St. Johns, State of Florida, hereinafter called GRANTORS, for \$10.00 and other good and valuable considerations, receipt of which is hereby acknowledged, do hereby assign, convey, remise, release and grant unto St. Johns County, Florida, a political subdivision of the State of Florida whose address is c/o Clerk of Courts, St. Johns County Courthouse, St. Augustine, Florida 32084, and to its assigns, hereinafter called GRANTEE, a perpetual exclusive easement for ingress and egress, to maintain an open County ditch, to maintain all or part of a water main which has been constructed and installed, and to improve the water main from time to time as may be necessary to provide a proper sufficient water main forever under and across the following parcel of real property in St. Johns County to wit:

North 25 feet of Unit 1 Tract 52, St. Augustine Heights, recorded in Map Book 10, page 17 of the official records of St. Johns County, Florida.

TO HAVE AND TO HOLD unto the grantees, its successors and assigns for the above described purposes forever.

"Grantor" and "Grantee" are used for singular or plural as context requires.

IN WITNESS WHEREOF, Grantors have set Grantor's hand and seal this 11 day of March 1991.

Signed and sealed and delivered in my presence:

Walter Roy
(Witness)

Harold J. Heffernan
Harold J. Heffernan

Violet R. Bennett
(Witness)

Mary Heffernan
Mary Heffernan

Anna Gigante
(Witness)

Michael J. Gigante
(Witness)

Amount of Tax Pd. \$.55
Payable Tax Pd. 0.00
John "Dad" Warkol, Clerk St. Johns
County By: J. W. D.C.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments personally appeared Harold J. Heffernan to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County and State last aforesaid this 18 day of March 1991.

Vicent R. Bennett

Notary Public
State of Florida at Large

My Commission Expires Sept. 3, 1994
Notary Public, State of Florida
My Comm. Exp. Sept. 3, 1994
Bonded thru FIDELITY Ins. Agency

STATE OF New Jersey
COUNTY OF _____

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgment personally appeared Mary Heffernan, a married woman to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County and State last aforesaid this 11th day of March 1991.

Barbara H. Tillyer

Notary Public
State of New Jersey at Large

My Commission Expires _____

BARBARA H. TILLYER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 24, 1994
Qualified in Monmouth County

AGREEMENT

This Agreement made as of February 28, 1991, by and between Harold J. Heffernan and Mary Heffernan, his wife, ("Heffernan") and St. Johns County, Florida ("County").

RECITALS:

a) County has undertaken the digging of a ditch for drainage and the installation of a water main under and across the property owned by Heffernan, located off St. Augustine Blvd. and Hill Top Road in St. Johns County, Florida; said property ("the Property") being more fully described as St. Augustine Heights, Unit 1, Tract 52.

b) Heffernan has agreed to grant the County a 25 foot by 630 foot easement (+-) across the Heffernan property on which the ditch and water main is now located.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable considerations the receipt and sufficiency of which are hereby acknowledged the parties hereby agree as follows.

1. The above recitals are true and correct.
2. County will pay to Heffernan \$5,000.00 for the easement as described in Grant of Easement attached hereto and made a part hereof for all purposes.
3. On or before March 7, 1991 the County shall deliver a check in the amount of \$5,000.00 to Heffernan.
4. The acceptance of the check by Heffernan in the amount of \$5,000.00 shall constitute a full and complete settlement of the County's liabilities pertaining to the property.
5. Heffernan hereby releases the County from all causes of action, damages and liabilities that they have or may have, against County pertaining to the ditch and the installation maintenance of the water main under and across the property.

6) This agreement shall be null and void ab initio unless executed by each of the parties hereto on or before March 15, 1991.

Handwritten initials: H, sc, 18

St. Johns County, Florida
By: [Signature]
Chairman, Board of County Commissioners

[Signature]
Harold J. Heffernan
Executed by Harold J. Heffernan
this 18 day of March 1991

Executed by the County
this 26 day of March 1991.

[Signature]
Mary Heffernan
Executed by Mary Heffernan
this 11 day of March 1991

CLERK OF CIRCUIT COURT
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

91 APR -5 PM 3: 24

[Signature]
CLERK OF CIRCUIT COURT