

RESOLUTION NO. 93-121

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CERTAIN CONTRACT NECESSARY FOR THE CONSTRUCTION AND MAINTENANCE OF AN UNDERGROUND DRAINAGE SYSTEM AS AUTHORIZED BY THE EXECUTIVE COVE MUNICIPAL SERVICE BENEFIT UNIT.

WHEREAS, St. Johns County, Florida, a political subdivision of the State of Florida, has received a Contract, attached hereto as Exhibit A, incorporated by reference and made a part hereof, from Edward H. Pearch and Ida Dale Pearch, his wife; and

WHEREAS, this Contract will allow the County to obtain the Grant of Easement and Warranty Deed necessary for the construction and maintenance of the underground drainage system as authorized by the Executive Cove Municipal Service Benefit Unit.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. That the County authorizes the execution of the aforementioned Contract upon the terms and conditions contained therein.

Section 2. The Clerk is instructed to file a copy of the Contract in the official records of St. Johns County, Florida.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 27th day of July, 1993.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: Linda Balsavage
Its Chair-Linda Balsavage

ATTEST: Carl "Bud" Markel, Clerk

BY: Wonne Carter
Deputy Clerk

CONTRACT

THIS CONTRACT made this 13 day of July 1993, between EDWARD H. PEARCH and IDA DALE PEARCH, his wife, hereinafter designated as "Landowners", and THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter designated as "County".

WHEREAS, Landowners are the owners of Lake Parcel 23, Wards Woods Subdivision as recorded in the official public records of St. Johns County, Florida in Map Book 12, page 58, highlighted and shown on Exhibit "A" attached hereto incorporated by reference and made a part hereof; and

WHEREAS, Landowners own additional property as highlighted on Exhibit "B" attached hereto incorporated by reference and made a part hereof, over which the County desires a drainage easement (Easement Parcels); and

WHEREAS, it is in the public interest for the County to acquire ownership of the property known as Lake Parcel 23 and to acquire easements for installation and maintenance of underground drainage pipes across a portion of the Easement Parcels as highlighted and described on Exhibit "C" for the proposed Executive Cove Municipal Service Benefit Unit; and

WHEREAS, the Executive Cove Municipal Service Benefit Unit which includes all of the unrecorded Executive Cove Subdivision as highlighted and described on Exhibit "D" attached hereto, incorporated by reference and made a part hereof, as adopted by the Board of County Commissioners with Ordinance No. 93-01, to finance the construction of an underground storm water drainage system to prevent the flooding conditions within the subdivision and to reconstruct and pave Executive Cove Drive due to the damage caused by the flooding conditions.

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, it is mutually agreed between the parties as follows:

1. Landowners will convey to the County in fee simple title free and clear of all encumbrances and/or title defects the property known as Lake Parcel 23, Wards Woods Subdivision as recorded in the official public records of St. Johns County, Florida at Map Book 12, page 58.

2. Landowners will convey to the County a 15 foot easement across the Easement Parcels for installation and maintenance of the drainage system. No permanent structures will be constructed within the easement. The easement for the underground drainage system will not impact in any way the setback requirements from the property line for future construction.

3. The County will have constructed a 6 foot temporary wire fence north of the easement parcel which will vary from 15 feet to 50 feet which will allow the Contractor to move his equipment in and also protect and eliminate much of the traffic across the rest of Landowners property. The temporary fence will be removed after the drainage project is completed.

4. There is a non-exclusive perpetual easement over the lands as recorded in O. R. 26 Page 610, O. R. 99 Page 394, and O. R. 223 Page 703 public records of St. Johns County for ingress and egress and public utilities as shown on Exhibit "E". This easement will be used by St. Johns County for ingress and egress for the installation and maintenance of the underground drainage pipe and the removal of an abandoned swimming pool. Before construction begins, the easement will be filled and graded with suitable material to stand up to the additional traffic and the temporary pipe placed across the easement will be removed. After completion of the construction, the easement will be graded and any repairs necessary will be accomplished. In the event it becomes necessary for an additional access to the construction area for ingress and egress the Landowner will allow the County to use Lakeview Drive in Wards Wood Subdivision.

5. In return for the consideration for the conveyances described in Paragraph 1 and 2 hereof, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 owned by the Landowners in Wards Woods Subdivision and the 3 acre parcel west of Lots 13 and 18 in Wards Wood Subdivision highlighted and shown on Exhibit "F" will be permitted to discharge storm water into the Lake Parcel.

6. Parcel No. 005405-0000, Parcel NO. 000030-0000 and Parcel No. 005370-0000 and Lots 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 in Wards Woods subdivision owned by the Landowners as shown on Exhibit "G" are not included in the boundary of the Executive Cove Municipal Service Benefit Unit (MSBU), and are not to be assessed for the purpose for which the MSBU was formed.

7. As shown in Exhibit "H", incorporated by reference and made a part hereof, the easement for the underground drainage pipe extends through an abandoned swimming pool which the County will remove and backfill with suitable material.

8. County will remove the portion of an abandoned drainage pipe extending northwesterly from the north lot line of Lot 16 in the unrecorded Executive Cove Subdivision and extending to the Lake Parcel 23 in Wards Woods Subdivision as highlighted on Exhibit "I", incorporated by reference and made a part hereof.

9. All manholes installed within the drainage structures will be installed 6 inches below grade level.

10. It will be the County's responsibility to move the camellias and azalea bushes, fencing and water lines within the easement area without disrupting the Landowners day to day operations and guarantee the life of these plants on the basis that if they should die within six months after transplanting, they would be replaced at no cost to the Landowner.

11. Any trees removed within the easement area will be replaced by two trees planted on Landowners property; one live oak and the other a flowering tree (red bud, dogwood, etc.).

12. After the pool has been removed and backfilled and the construction of the underground drainage system has been completed, any excess dirt shall remain on Landowners property and graded into lower areas within the construction area of Landowners property and the area sodded. Backfilling of excavated areas shall conform to applicable requirements of Section 120 Florida Department of Transportation, execution and embankments.

13. County will install a 4 foot chain link boundary fence on the south property line of Landowners property starting at the end of Lot 20 and ending at St. Johns River and the fence will hold to the property line and will be offset around any trees along the property line as shown on Exhibit "J" incorporated by reference and made a part hereof. The fence would provide an opening so that the Landowners neighbors would have ingress and egress. The County will also install 260' +- of new chain link fence including two 15 foot gates to tie into the old chain fence as shown on Exhibit "J". A portion of the road comes out of the easement to avoid two large oak trees and it will be necessary for the County to also fill that portion of the road with proper material and compact it so that the construction equipment which will ingress and egress from the construction site will not cut any deeper into the root system of the trees as also shown on Exhibit "J".

14. The wood fence on Lot 18 of Executive Cove unrecorded subdivision encroaches into the 15 foot easement granted to the County by the Landowner. This fence will be relocated by the County or the owner of Lot 18 Executive Cove Unrecorded Subdivision.

15. County will fence the Lake Parcel 23 with a 6 foot chain link fence and gate. Landowners will be appointed caretakers of the Lake Parcel 23 area and will be given a key to the gate with the right to go in and cut the grass and trim the trees as needed. In addition, the construction which will impact the lake will be properly dammed and the lake protected from silt and harm to the fish and wildlife during the removal of the existing pipe and the placement of the new pipe and outfall structure.

16. Landowners will flag all underground pipes within the easement and construction area.

17. It is understood and agreed that the Landowners property within the construction area will include as a finished product, back filling and grading the land with an elevation six inches above existing grade, which would include the sod, as shown in Exhibit "K" attached hereto and made a part hereof and the County will restore the construction area of the Landowners property to the condition it was in before construction of the underground drainage system. All top soil used in this project shall be in accordance with Section 162 of Florida Department of Transportation standard specifications for road and bridge Construction, 1991 Edition.

18. The design of the underground drainage pipe where it discharges into St. Johns River will be approved by the Landowner before any construction begins.

19. It is understood and agreed that if the proposed Executive Cove Municipal Service Benefit Unit drainage project is not completed within two years or is discontinued or abandoned, the title to the property known as Lake Parcel 23, Wards Woods Subdivision as recorded in the official records at Map Book 12, page 58 and shown in Exhibit "A" and the easements for drainage over the Easement Parcel as described in Exhibit "B" shall immediately revert to the Landowners, their successors and assigns, and they shall have the right to immediately repossess the same.

IN WITNESS WHEREOF, the Landowners and the County have caused this agreement to be executed.

Signed sealed and delivered in the presence of:

DATED: July 27, 1993
As to County

Yvonne Carter
Print Name Yvonne Carter

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Irma Pacetti
Print Name Irma Pacetti

BY: Quinn Balducci
Its Chair

DATED: July 13 1993
As to Landowner

Stuart Craig
Print Name STUART CRAIG

Edward H. Pearch
Edward H. Pearch

Carla Y. Nelson
Print Name Carla Y. Nelson

Stuart Craig
Print Name STUART CRAIG

Ida Dale Pearch
Ida Dale Pearch

Carla Y. Nelson
Print Name Carla Y. Nelson



WARDS WOODS

UNIT 1

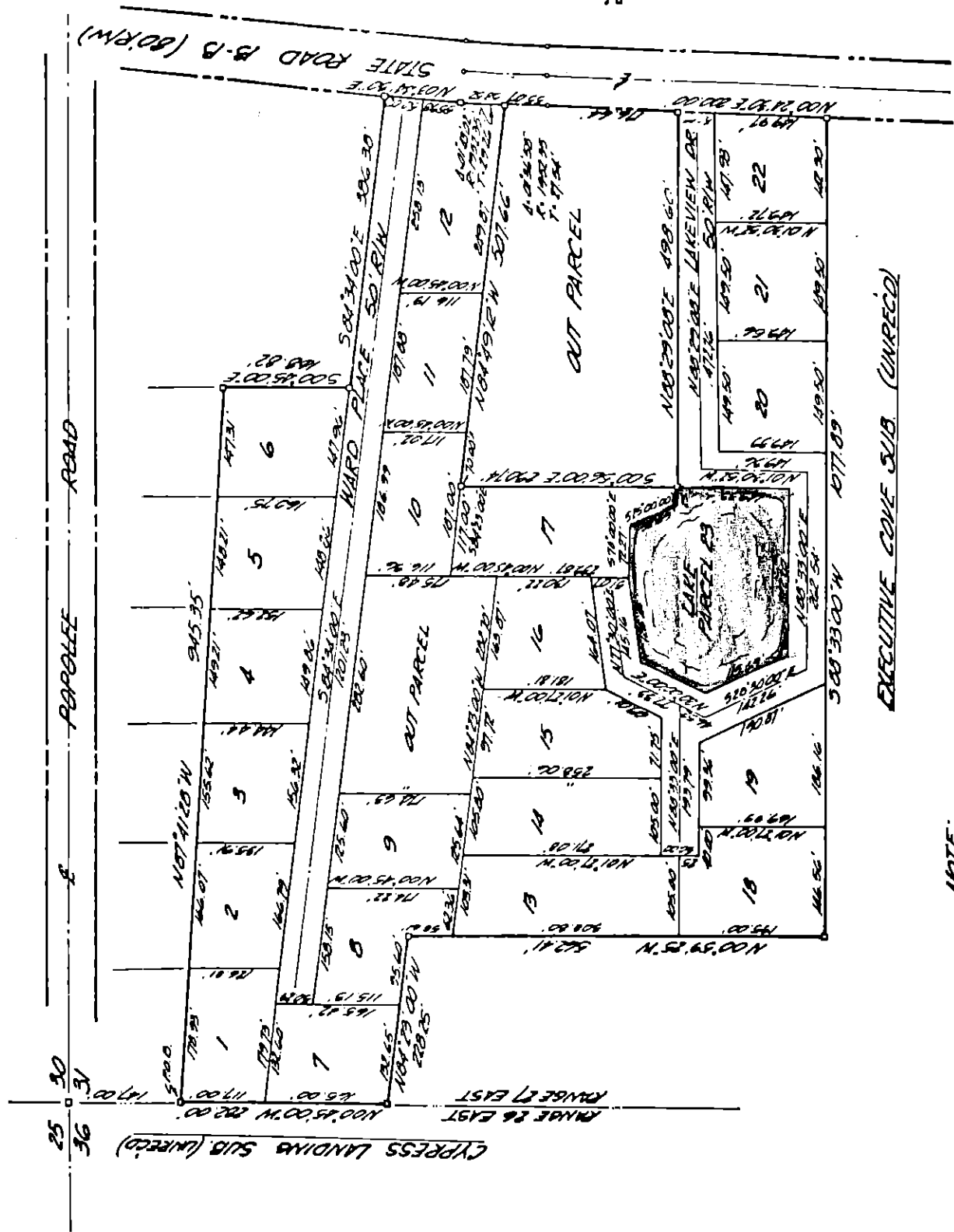
SITUATED IN

ST. JOHNS COUNTY, FLORIDA

EXHIBIT "A"

NORTH

SCALE 1" = 100
FOOTES PER IN.



25 30
36 31

CYPRESS LANDING SUB (UNREC'D)

RANGE 26 EAST
RANGE 27 EAST

PARALLEL ROAD

STATE ROAD B-B (60' R/W)

100' 50" E 112' 00"
100' 50" E 112' 00"
100' 50" E 112' 00"
100' 50" E 112' 00"

WARD PLACE 50' R/W

OUT PARCEL

OUT PARCEL

CAVE
PARCEL #3

OUT PARCEL

EXECUTIVE CONVE SUB (UNREC'D)

NOTE: ALL LOTS 0.5 ACRES

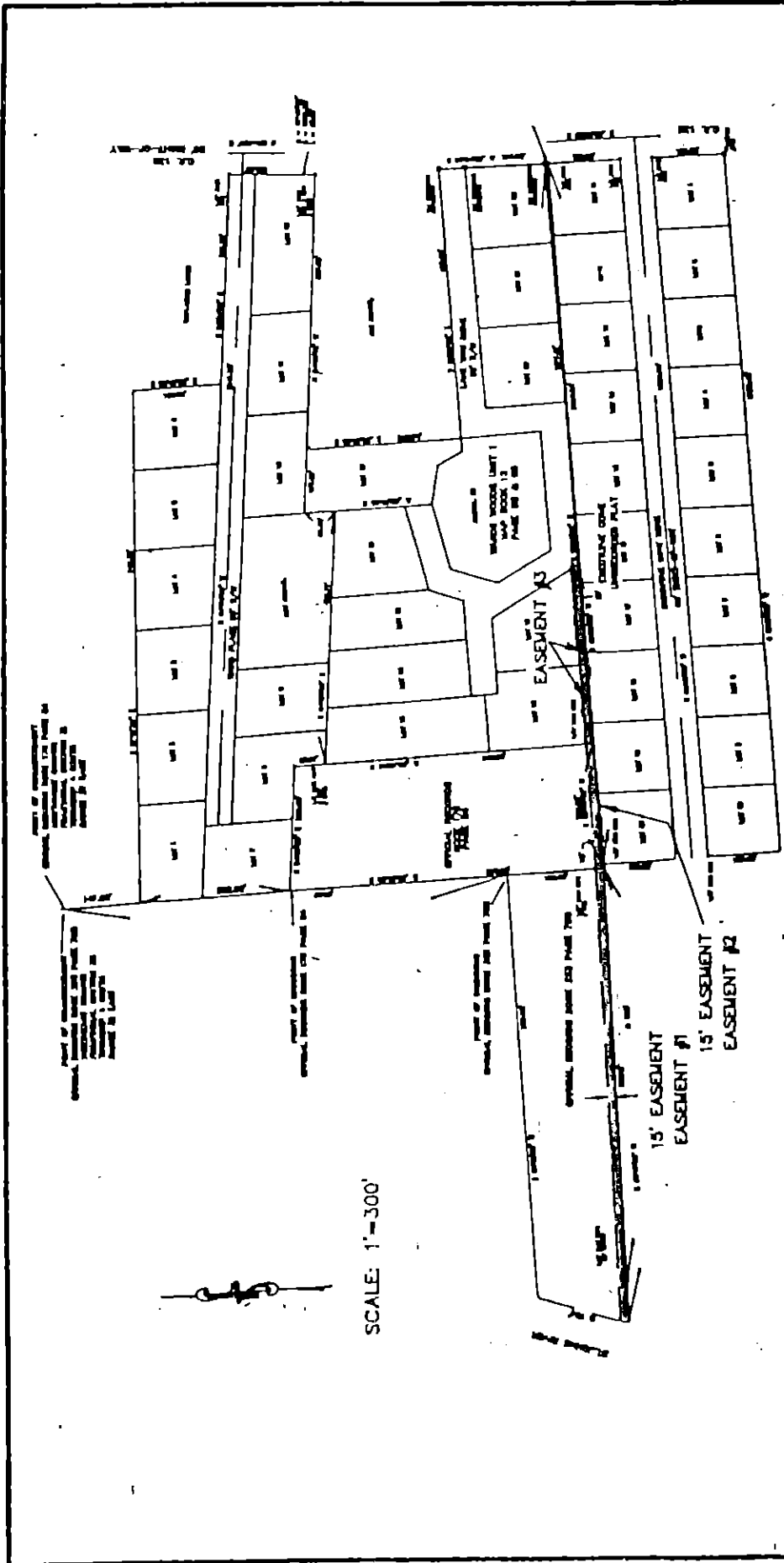


SEE SMT. 2B/306

R27E

SEC 36

PLAYS AERIAL PHOTOS #1



SCALE: 1"=300'

EASEMENT #3

A parcel of land for drainage easement purposes lying in Section 36, Township 4 South, Range 26 East and Section 31, Township 4 South, Range 27 East, St. Johns County, Florida described as follows:

EASEMENT #1
 The Southerly 15.00 feet of that property described in Official Records Book 223 page 703

together with

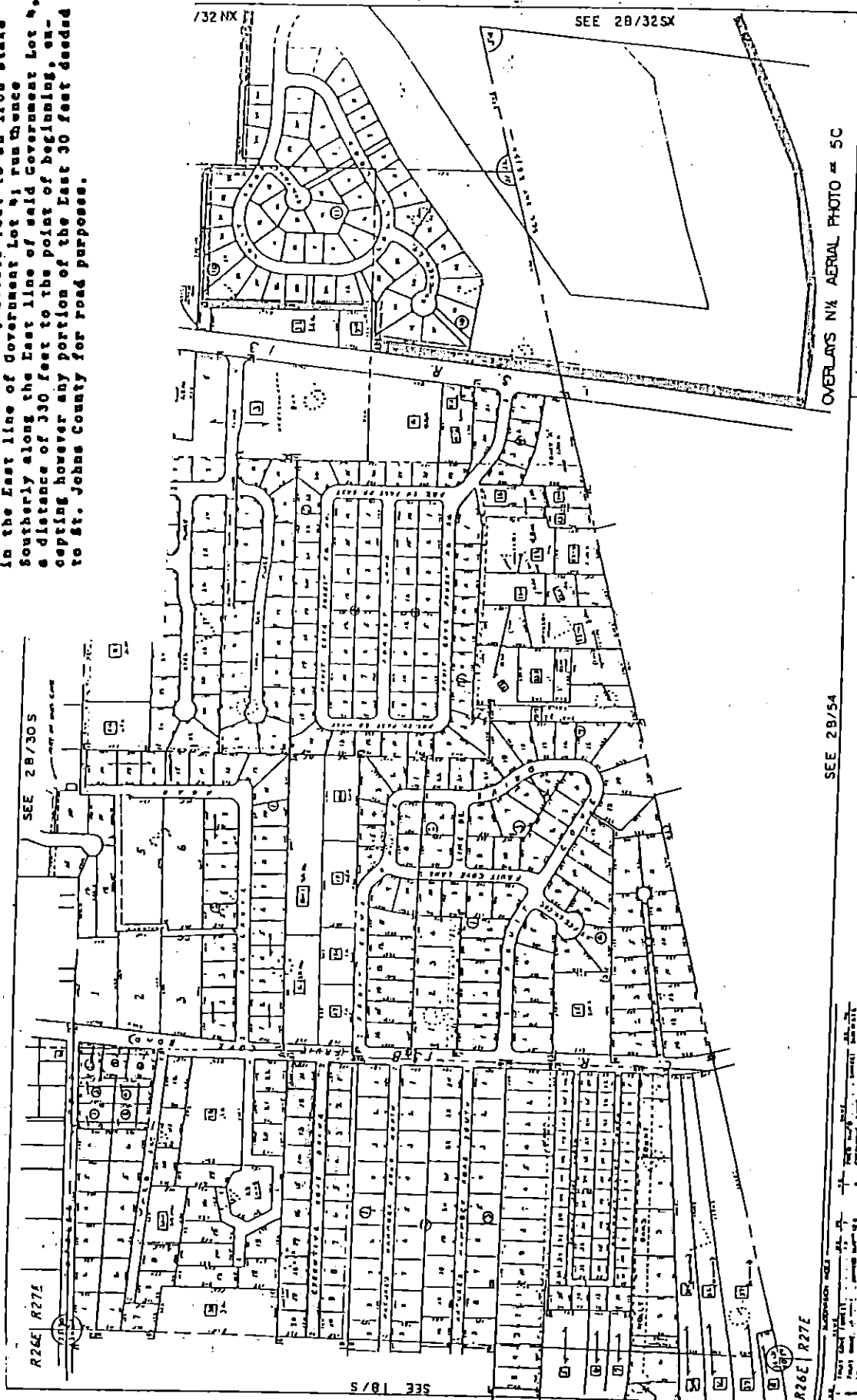
EASEMENT #2
 The Southerly 15.00 feet of that property described in Official Records Book 176 page 84

together with

The Southerly 15 feet of Lots 18 and 19 Wards Woods, Unit 1, as recorded in Map Book 12, pages 58 and 59 of the Public Records of St. Johns County, Florida

That certain piece, parcel or tract of land, situate, lying and being in the County of St. Johns and State of Florida, known and described as follows:

A part of Government Lot 4, Section 31, Township 4 South, Range 27 East, described as follows: Commencing at an iron stake, marking the Southeast corner of said Lot 4, as the point of beginning; thence westerly along the South line of said Lot 4, a distance of 1377.5 feet to a stake marking the Southwest corner of said Lot 4; thence run Northerly along the West line of said Government Lot 4, a distance of 330 feet to a stake; thence run South 88 degrees 48 minutes East, 1377.5 feet to an iron stake in the East line of Government Lot 4; run thence Southerly along the East line of said Government Lot 4, a distance of 330 feet to the point of beginning, excepting however any portion of the East 30 feet needed to St. Johns County for road purposes.



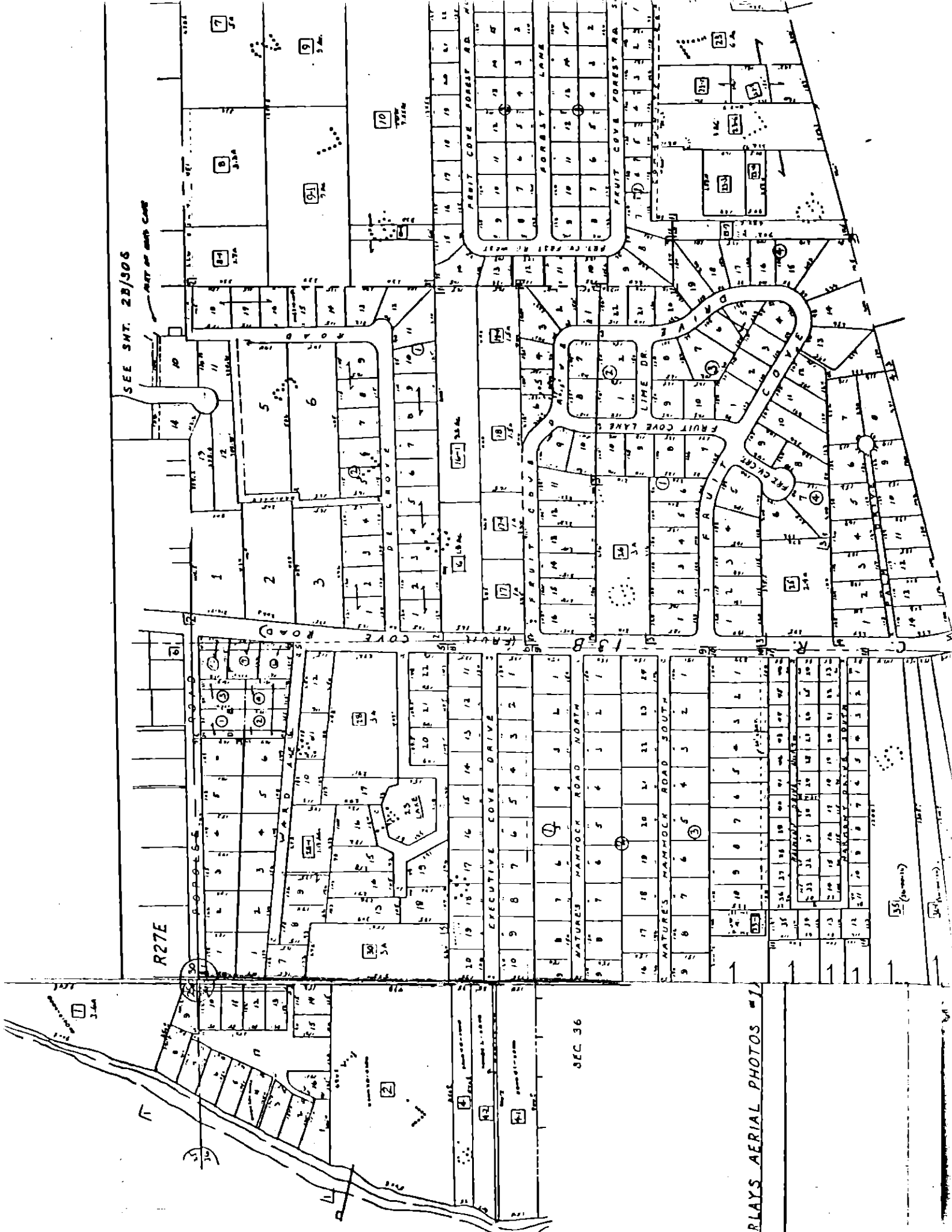
OVERLAYS N/A AERIAL PHOTO - 5C

ST. JOHNS COUNTY, FLORIDA

PROPERTY IDENTIFICATION

SEE 28/54

Exhibit "D"



SEE SMT. 28/306

R27E

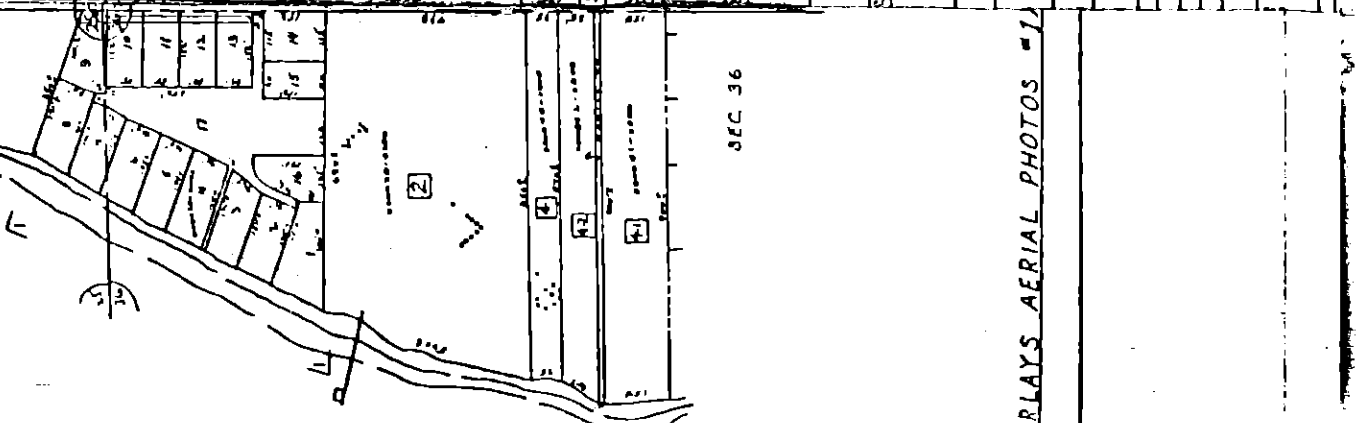
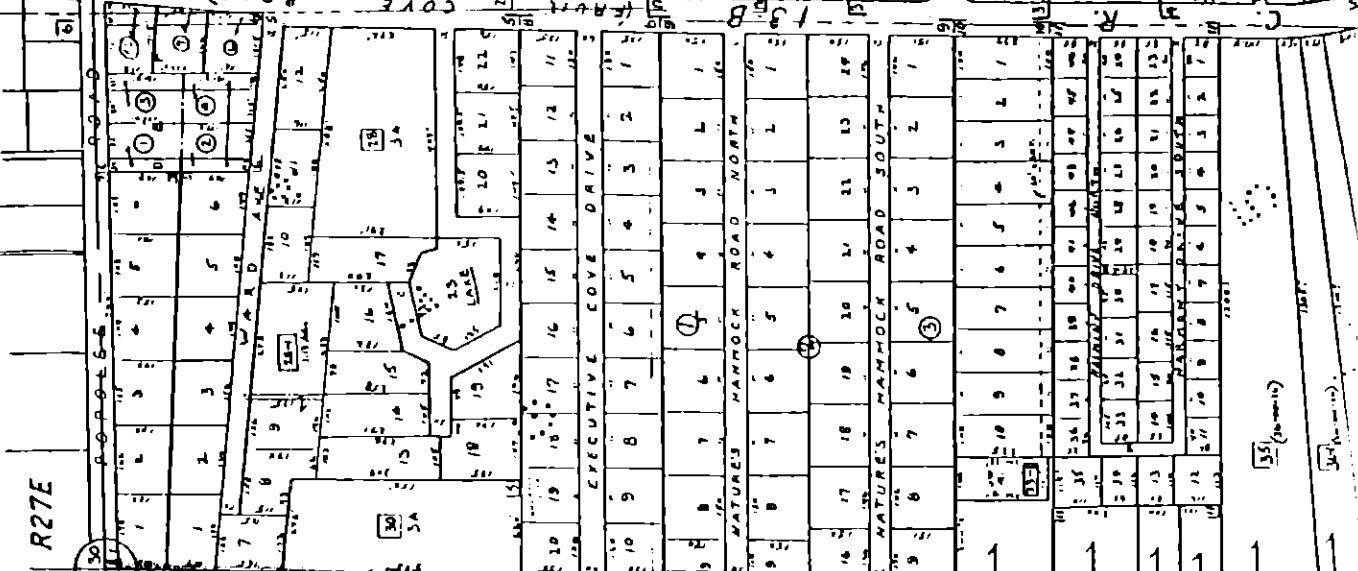
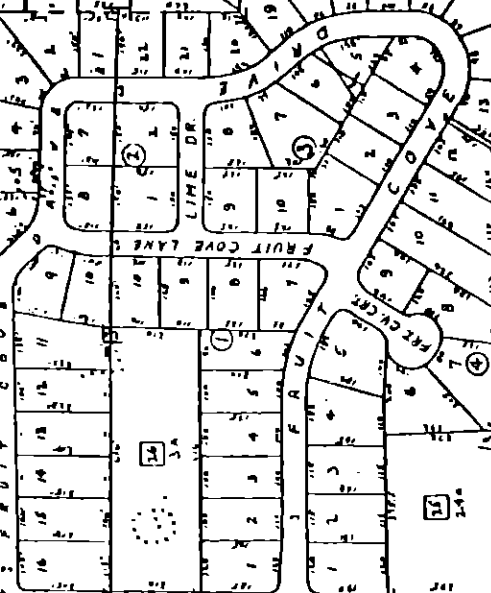
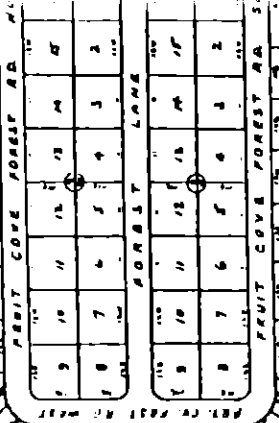
SEC 36

AERIAL PHOTOS #1

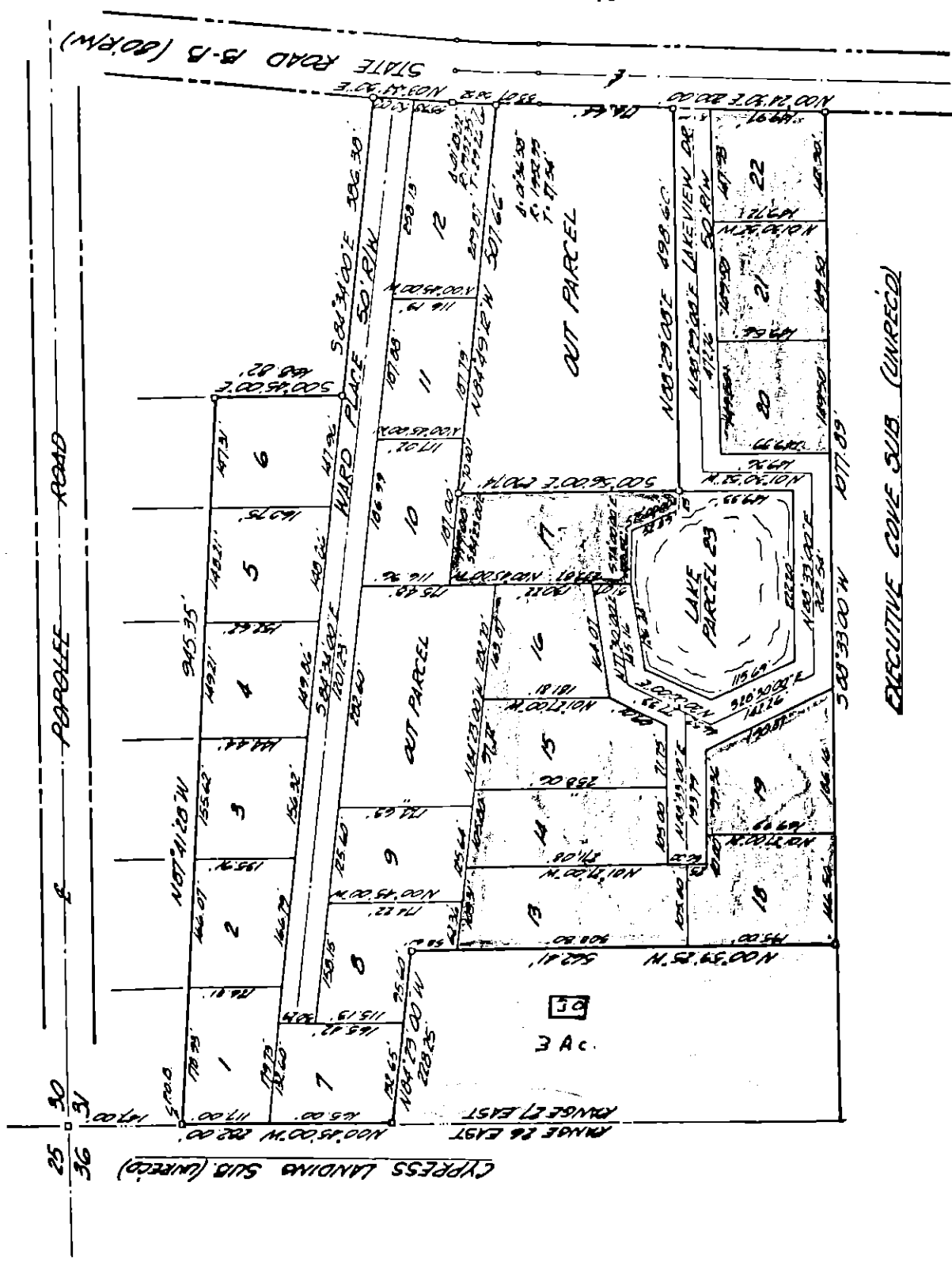
55 (10-10-10)

56 (10-10-10)

MEET AT CORNER

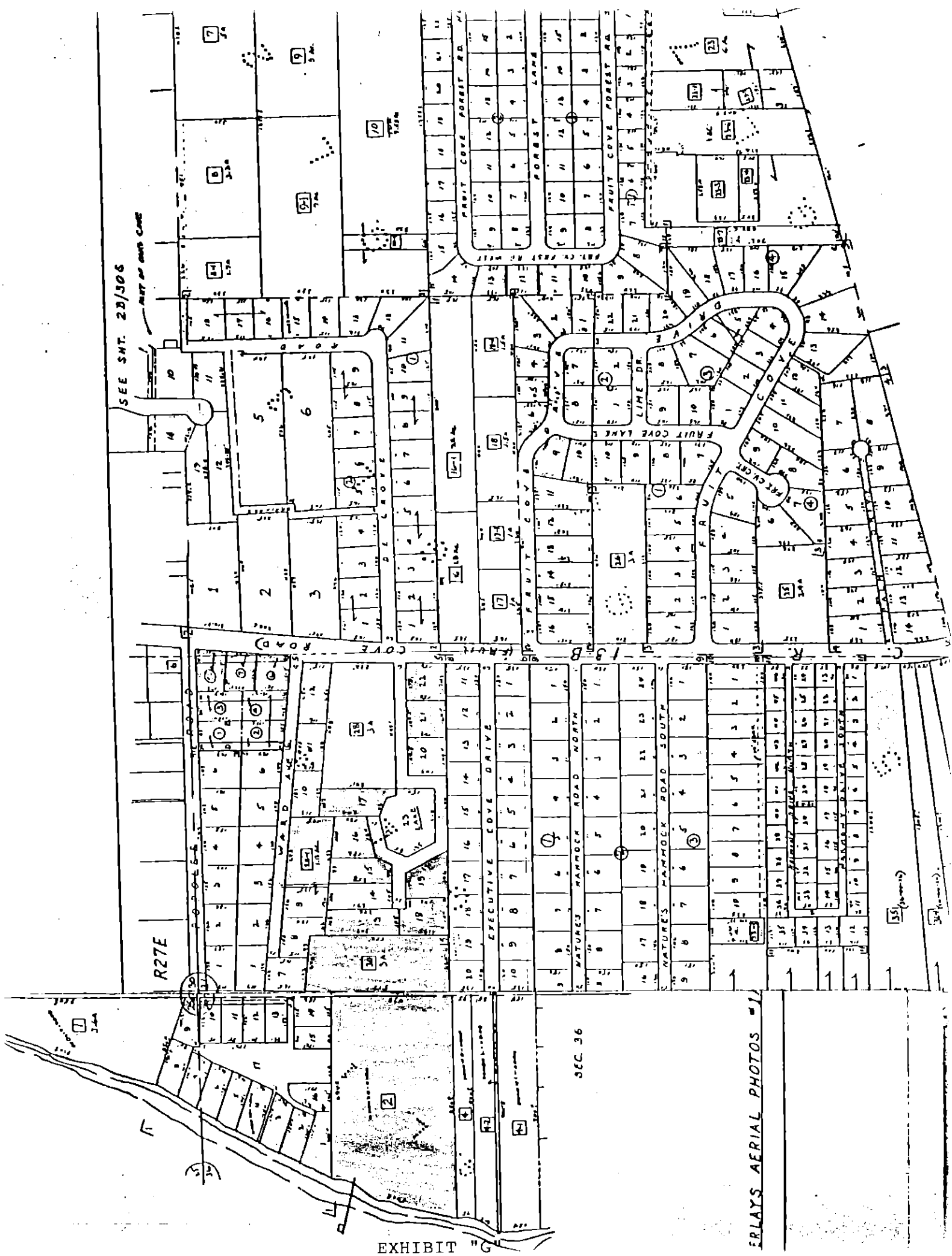


WARDS WOULD
UNIT 1
 SITUATED IN
ST. JOHNS COUNTY, FLORIDA



NOTE: ALL LOTS 0.5 ACRES OR LARGER IN SIZE

EXHIBIT " F "



SEE SMT. 2B/306

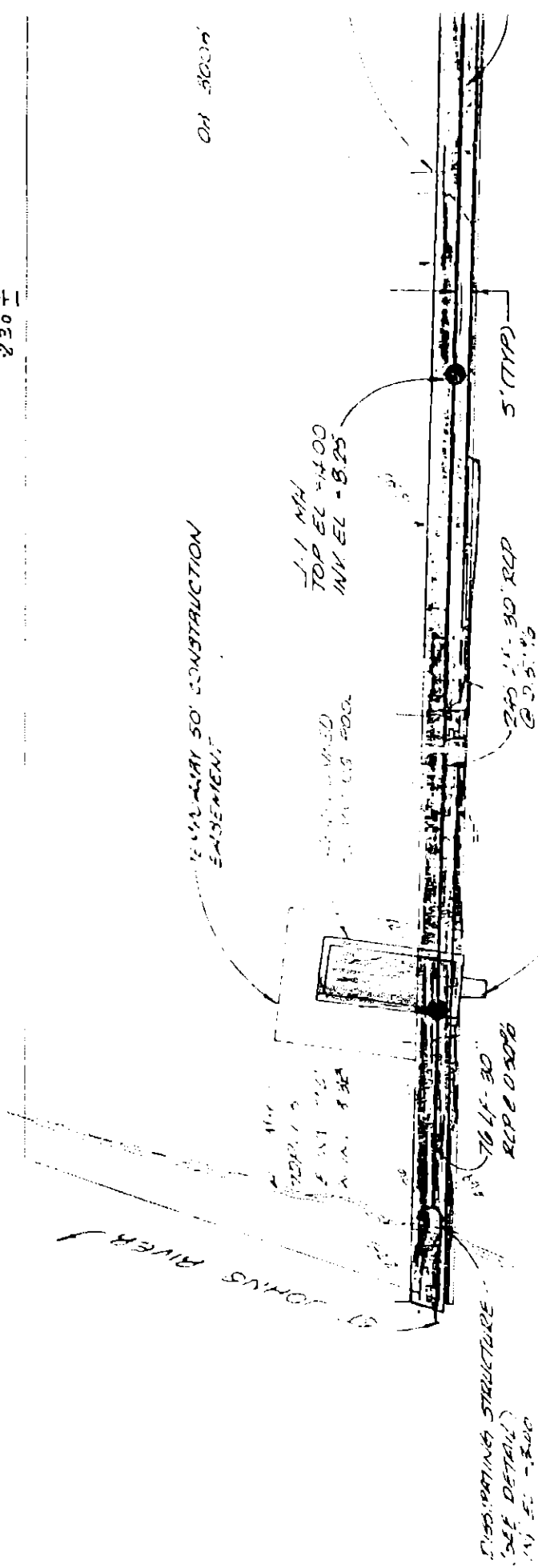
R27E

SEC. 36

EXHIBIT "G"

FRILLS AERIAL PHOTOS #1

230+



REINFORCEMENT CONSTRUCTION

1.1 MAH
TOP EL - 4.00
INV EL - 3.25

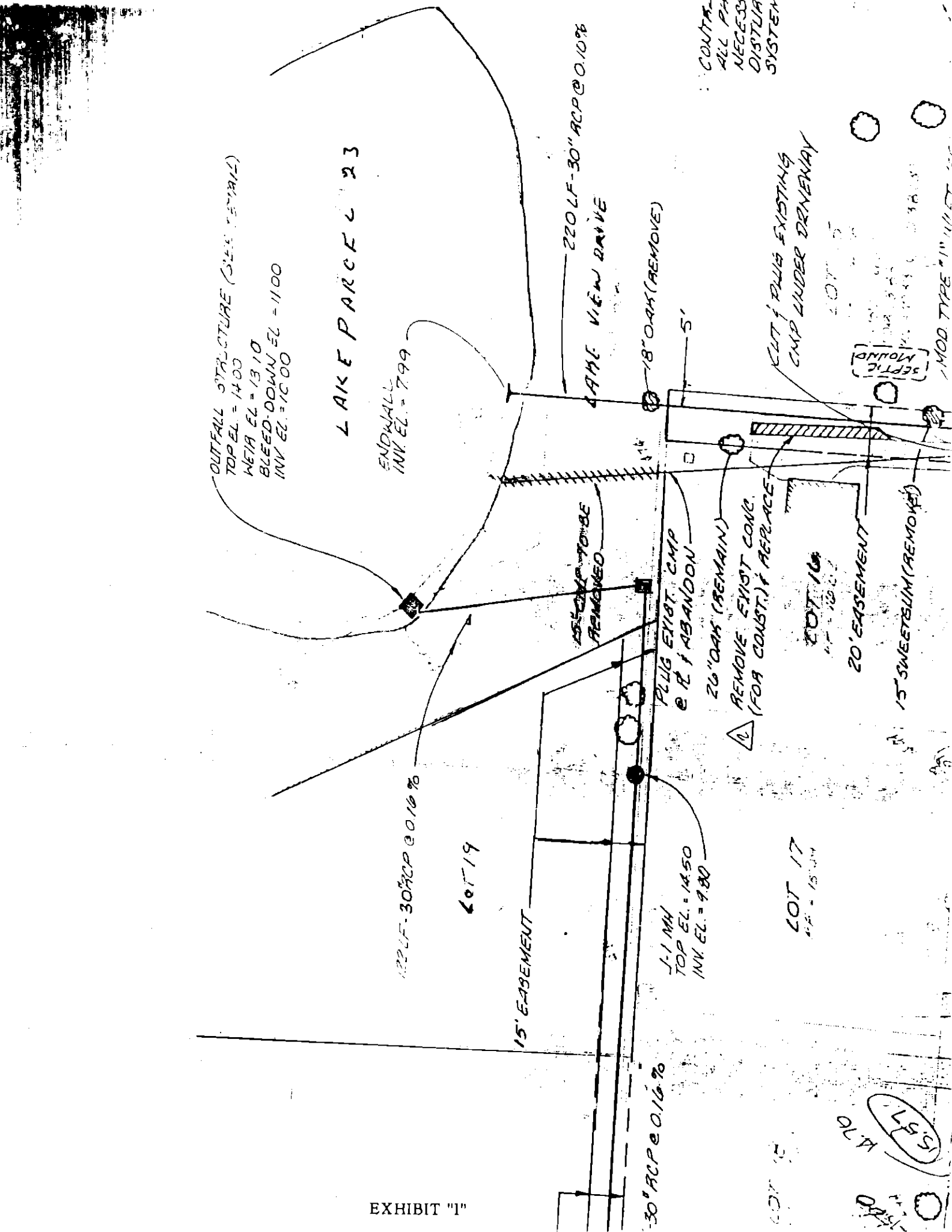
240 LF - 30' RCP
@ 0.5' x 5'

76 LF - 30'
RCP @ 30"

SWIMMING STRUCTURE
(SEE DETAIL)
(1) EL - 2.00

DEMOLISH & REMOVE EXISTING
SWIMMING POOL BACKFILL WITH
SUITABLE MATERIAL TO MATCH
EXISTING GRADE SEED OR DRESS
TO MATCH EXISTING CONDITIONS

exhibit "H"



CONTRACT
 ALL PA
 NECESS
 DISTURB
 SYSTEM

OUTFALL STRUCTURE (SEE EXHIBIT)
 TOP EL. = 1400
 WEIR EL. = 1310
 BLEED-DOWN EL. = 1100

LAKE PARCEL 23

ENDWALL
 INV. EL. = 7.99

220 LF - 30" ACP @ 0.10%
 SAME VIEW DRIVE

18" OAK (REMOVE)

CUT & PLUG EXISTING
 CMP UNDER DRAINWAY

SEPTIC MOUND

MOD. TYPE 1" DIAMETER

15" CMP TO BE
 REMOVED

PLUG EXHIB. CMP
 @ R & ABANDON

26" OAK (REMAIN)

REMOVE EXIST CONC.
 (FOR CONST.) & REPLACE

20' LOT 16

20' EASEMENT

15" SWEETSUN (REMOVED)

220 LF - 30" ACP @ 0.10%

LOT 19

15' EASEMENT

30" ACP @ 0.10%

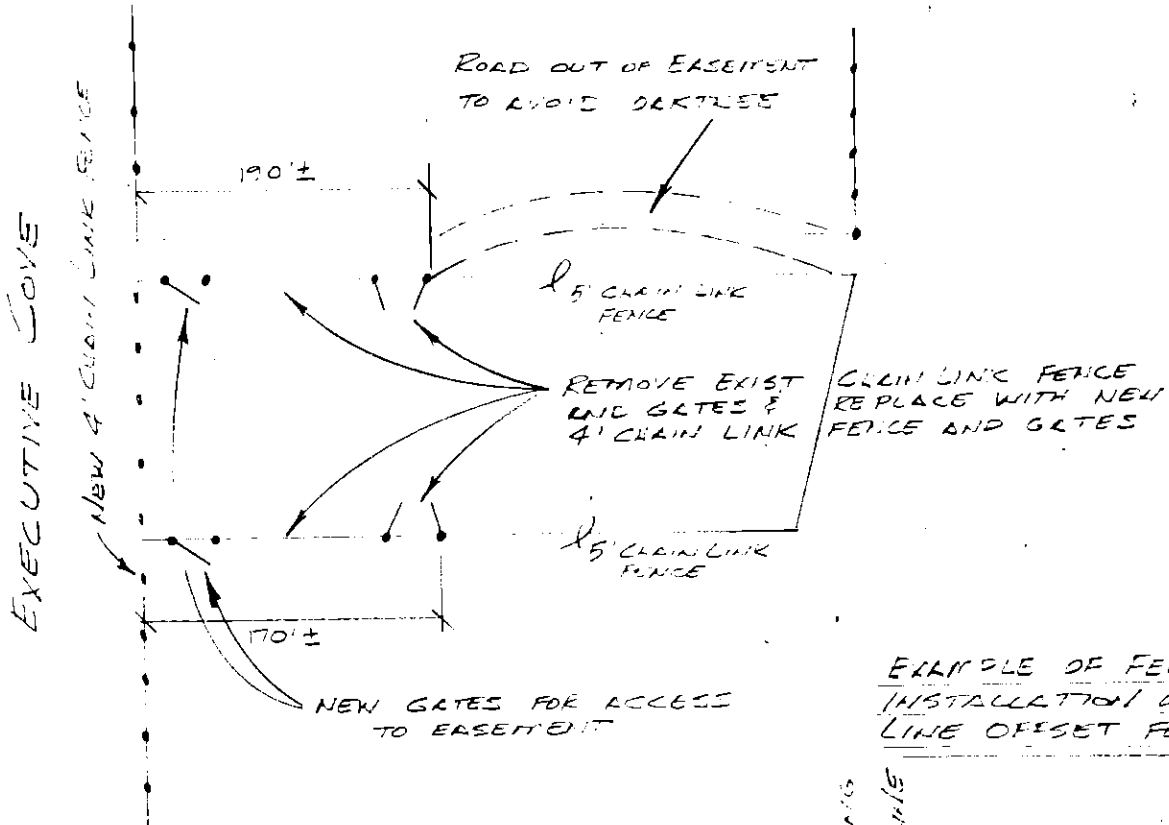
J-1 MN
 TOP EL. = 1450
 INV. EL. = 9.80

LOT 17
 15' x 15'

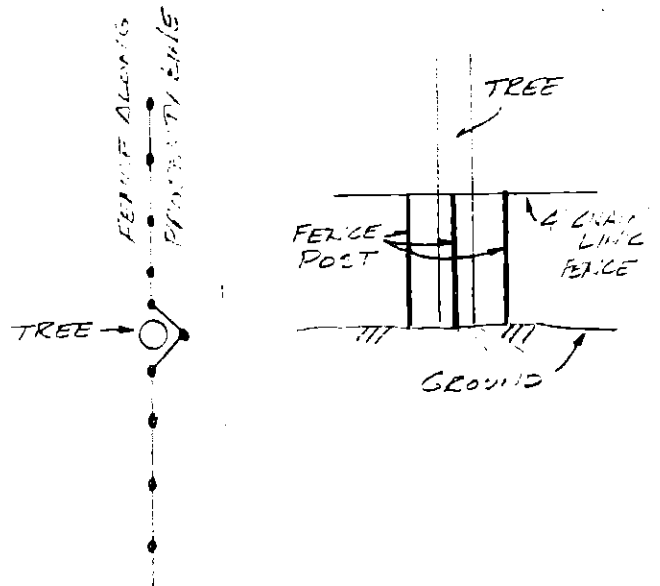
5.57

EXHIBIT "I"

ADDITIONAL CHAIN LINK FENCE
AND GATES TO BE INSTALLED



EXAMPLE OF FENCE INSTALLATION ON PROPERTY LINE OFFSET FOR TREE

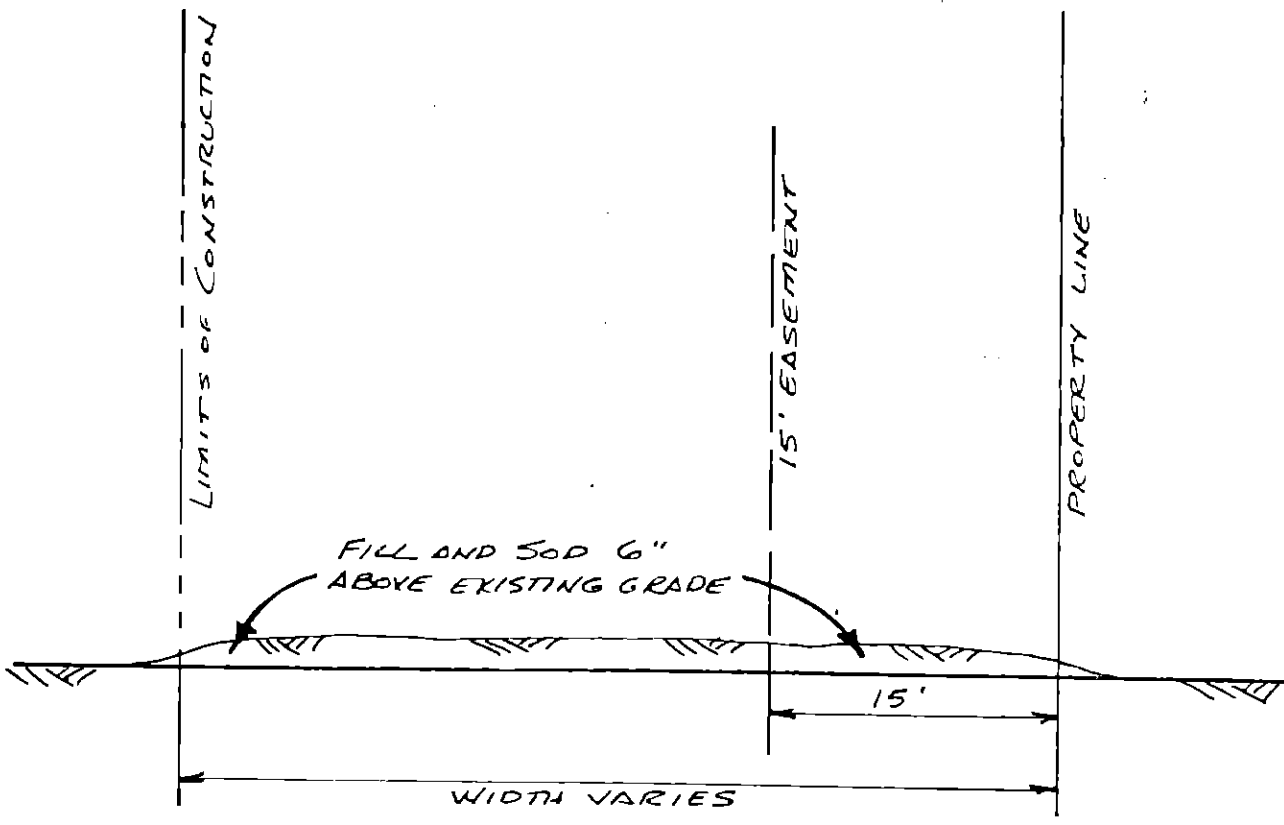


PUBLIC WORKS DEPARTMENT

P.O. Drawer 349
St. Augustine, FL 32085-0349

EXHIBIT "J"

DATE: 07-01-93
SCALE: N.T.S.
DRAWN BY: EGO



PUBLIC WORKS DEPARTMENT

P.O. Drawer 349
 St. Augustine, FL 32085-0349

EXHIBIT "K"

DATE: JUNE 23, 1993
 DRAWN BY: P.G.O.
 SCALE: 1" = 10'