

RESOLUTION NO. 93-144

A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN LICENSE AGREEMENT NECESSARY FOR THE REQUIRED CLEANING OF A DRAINAGE DITCH LOCATED WITHIN AN EASEMENT ADJACENT TO CYPRESS LAKES GOLF COURSE.

WHEREAS, St. Johns County, Florida, a political subdivision of the State of Florida, hereinafter called "County," has received a License Agreement granting the County permission to enter upon the Property, more fully described in the copy of the License Agreement, attached hereto as Exhibit A, incorporated by reference and made a part hereof, for the purpose of cleaning a portion of the drainage ditch; and

WHEREAS, the County is required by St. Johns River Water Management District to clean the existing ditch.

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

Section 1. The County accepts the aforementioned License Agreement upon the terms and conditions contained therein.

Section 2. That the County Administrator is hereby authorized to execute the Agreement on behalf of the Board of County Commissioners of St. Johns County, Florida.

Section 3. That the Clerk is instructed to file the License Agreement and mail executed copies c/o John D. Bailey, Jr. Upchurch, Bailey and Upchurch, P.A. P. O. Drawer 3007 St. Augustine FL 32085.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 14th day of September, 1993.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

BY: Linda Baravage
Its Chair

ATTEST: Carl "Bud" Markel, Clerk

By: Patricia O. Glendon
Deputy Clerk

L I C E N S E A G R E E M E N T

THIS LICENSE AGREEMENT entered into this 14th day of September, 1993, by WILLIAM H. HALL, CALVIN H. HUDSON and ELLEN L. HUDSON, his wife, (hereinafter collectively "Hall and Hudson"), and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter the "County").

R E C I T A L S:

1. Hall and Hudson own a forty foot strip of real property located in St. Johns County, Florida and more particularly described on Exhibit "A" attached hereto. (hereinafter the "Property".)

2. The Property is occupied by a common drainage ditch (hereinafter the "Drainage Ditch") which accepts drainage from an adjacent golf course owned and operated by the County.

3. The County desires to enter upon the Property for the purpose of cleaning a portion of the Drainage Ditch.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations paid by the County to Hall and Hudson and of the mutual covenants contained herein, the parties agree as follows:

1. GRANT OF LICENSE: Hall and Hudson do hereby grant the County and it's agents and employees, a license to enter upon the Property for

the purpose of cleaning at the County's expense that portion of the Drainage Ditch located nine hundred and thirty (930) feet south of the southwest corner of section ten (10) as shown on exhibit "A-1".

2. REQUIREMENT OF INSURANCE: During the term of this agreement, the County shall maintain, for its benefit and the benefit of Hall, at its cost, liability insurance providing coverage for injury to persons and/or property, which liability insurance shall name Hall as an additional insured.

3. DAMAGE TO PROPERTY: The County shall repair any damage caused to the Property by its entry thereon or cleaning of the Drainage Ditch.

4. TERM: This License Agreement shall remain in effect for a period of sixty (60) days from the date of execution by all parties or until terminated by Hall and Hudson following delivery to the County of five days written notice to the County, whichever occurs first.

5. NOTICE: Time is of the essence of this agreement. Any notice by either party to the other shall be in writing and shall be sent by U.S., express mail or hand delivered to the parties at the following addresses:

Hall: c/o John D. Bailey, Jr.
Upchurch, Bailey and Upchurch, P.A.
Post Office Drawer 3007
St. Augustine, Florida 32085

County: c/o Stuart Craig
Public Works Department
Post Office Drawer 349
St. Augustine, Florida 32085

EXHIBIT "A"

DESCRIPTION

A STRIP OF LAND 40 FEET IN WIDTH IN SECTIONS 9, 15, 16, 21 AND 22, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, THE NORTH, EAST AND SOUTHEAST LINE OF SAID STRIP OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9 AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE NORTH 1 DEGREE 23 MINUTES 54 SECONDS WEST, ON THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 195.01 FEET; THENCE SOUTH 88 DEGREES 16 MINUTES 50 SECONDS WEST, PARALLEL WITH AND 195.00 FEET NORTHERLY FROM THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 1,349.16 FEET TO THE POINT OF BEGINNING AT A POINT 40 FEET WESTERLY FROM THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE NORTH 88 DEGREES 16 MINUTES 50 SECONDS EAST, ON THE NORTH LINE OF SAID STRIP OF LAND, 1,349.16 FEET; THENCE SOUTH 1 DEGREE 23 MINUTES 54 SECONDS EAST, ON THE EAST LINE OF SAID STRIP OF LAND AND THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 195.01 FEET; THENCE SOUTH 1 DEGREE 23 MINUTES 54 SECONDS EAST, ON THE EAST LINE OF SAID STRIP OF LAND AND THE EAST LINE OF SAID SECTION 16, A DISTANCE OF 2,616.61 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 59 SECONDS EAST, ON THE NORTH LINE OF SAID STRIP OF LAND, 341.04 FEET; THENCE SOUTH 5 DEGREES 53 MINUTES 15 SECONDS EAST, ON THE EASTERLY LINE OF SAID STRIP OF LAND, 1,973.97 FEET; THENCE SOUTH 73 DEGREES 05 MINUTES 19 SECONDS EAST, ON A NORTHEASTERLY LINE OF SAID STRIP OF LAND, 189.43 FEET; THENCE SOUTH 3 DEGREES 47 MINUTES 39 SECONDS EAST, ON THE EASTERLY LINE OF SAID STRIP OF LAND 561.17 FEET; THENCE SOUTH 15 DEGREES 38 MINUTES 51 SECONDS EAST; ON THE EASTERLY LINE OF SAID STRIP OF LAND, 1,272.54 FEET; THENCE SOUTH 23 DEGREES 18 MINUTES 07 SECONDS EAST, ON THE EASTERLY LINE OF SAID STRIP OF LAND, 700.55 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 45 SECONDS WEST, ON THE EASTERLY LINE OF SAID STRIP OF LAND, 985.55 FEET; THENCE SOUTH 58 DEGREES 07 MINUTES 59 SECONDS WEST, ON A SOUTHEASTERLY LINE OF SAID STRIP OF LAND, 1521.63 FEET TO A POINT MARKED BY A PINE TREE; CONCRETE MONUMENTS, NO. 894 ARE SET 10 FEET NORTH AND 10 FEET WEST OF SAID POINT AS DESCRIBED IN OFFICIAL RECORDS BOOK 432, PAGE 454 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

