

RESOLUTION NO.98- 14

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A CERTAIN PERMISSIVE USE AGREEMENT BETWEEN PALM VALLEY MARINA, INC. AND ST. JOHNS COUNTY WHEREBY THE COUNTY WILL BE ALLOWED TO STORE CULVERTS, FILL DIRT AND DITCH CLEANING EQUIPMENT TO SERVE THE PUBLIC IN THE PALM VALLEY AREA.

WHEREAS, Palm Valley Marina Inc. has agreed to allow St. Johns County to store culverts, fill dirt and ditch cleaning equipment on Lots 1, 2 and 3 of East Coast Canal Estates Unit 3; and

WHEREAS, St. Johns County is desirous of accepting the proposed Agreement offered by said Palm Valley Marina Inc. in the form attached hereto as Exhibit "A", incorporated by reference and made a part hereof.

NOW THEREFORE, be it **RESOLVED** by the Board of County Commissioners of St. Johns County, Florida, as follows.

Section 1. The Board hereby approves the Agreement in substantially the form attached hereto and authorizes the County Administrator to execute such Agreement (or one in substantially this form).

Section 2. The Clerk is instructed to file the original Agreement and mail executed copies of this Resolution and the Agreement to Palm Valley Marina, Inc. 4440 Marsh Landing Boulevard, Ponte Vedra Beach, Fl 32083.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 20th day of January, 1998.

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

By: Moses A. Floyd
Moses A. Floyd, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Cheryl Strickland
Deputy Clerk

PERMISSIVE USE AGREEMENT

RECITALS

WHEREAS, the below stated Permissive Use Agreement between Palm Valley Marina Inc. ("Owners") and St. Johns County ("County"), a political subdivision of the State of Florida is necessary to allow County to store culverts, fill dirt and ditch cleaning equipment to serve the public in the Palm Valley area;

THIS AGREEMENT IS TO CERTIFY THAT PALM VALLEY MARINA, INC. IS THE OWNER OF LAND IN ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON EXHIBIT "A" AND DESCRIBED ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF. ATTACHED AS EXHIBIT "C" IS AN ENVIRONMENTAL SITE INSPECTION LETTER, ATTACHED HERETO AND MADE A PART HEREOF

1) Owner hereby grants permission for County to enter upon said lands for the purpose of storing culverts, fill dirt and ditch cleaning equipment on Lots 1, 2 and 3 of East Coast Canal Estates Unit 3. The County will access the Owner's property over a portion of Canal Boulevard which extends west from Roscoe Boulevard and will install a fence and gate across that portion of Canal Boulevard for the protection of the County equipment stored on the Owner,s property.

2) Notwithstanding the County's permission to install and otherwise secure the property, the Owners shall be granted access, if necessary or required, through the gated Canal Boulevard entrance. Additionally, the County will release and hold harmless the Owners from loss, damage or liability as a result of activities conducted by the County. If in the event the notice (as provided hereinbelow) is given by the Owners to the County to vacate, County shall leave the property in good order, without need of repair, and without any form of hazardous contamination from vehicles, or any form of fuel storage. The gated access across a portion of Canal Boulevard which extends west from Roscoe Boulevard shall remain and be removed at the discretion of the County.

3) This Agreement shall expire upon 30 days written notice by either party and County will remove all culverts, fill dirt and ditch cleaning equipment from the Owners land. If in the event for any reason, County fails or otherwise refuses to vacate or holds over for any reason, Owners shall be entitled to recover any and all cost and/or damages thereto, including attorney's fees.

Agreed to this 31st day of DEC, 1997

Signed, sealed and delivered on our presence:

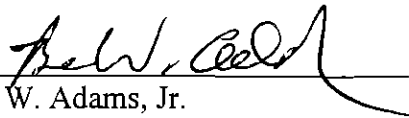
Doris P. Batten
Print Name DORIS P. BATTEN

Thomas B Ingram
Print Name Thomas B INGRAM

PALM VALLEY MARINA, INC.
By: [Signature]
Its President
4440 Marsh Landing Boulevard
Ponte Vedra Beach, FL 32082

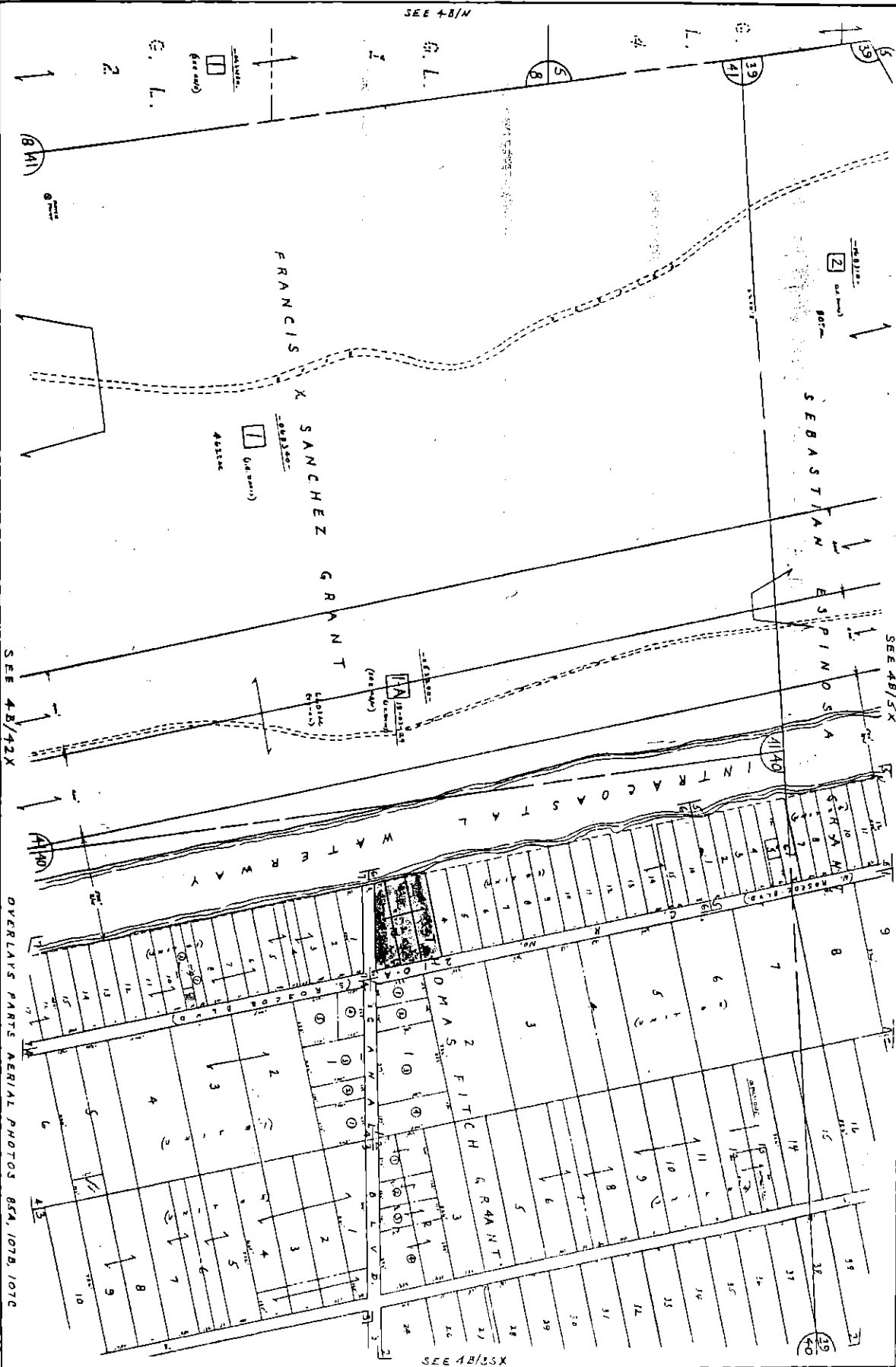
Print Name Norma PIRKIE
Norma Pirkie
Print Name _____

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: 
Ben W. Adams, Jr.
County Administrator
P. O. Drawer 349
St. Augustine, FL 32085



SEE 4B/N



NO.	DESCRIPTION	ACRES	DATE
1	PLAT	1.00	1/1/50
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NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR GENERAL OF FLORIDA

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SECTION	TOWNSHIP	RANGE	SECTION
40.41	4S	29E	4B/40

EXHIBIT "A"

Description of lots located within the East Cost Canal Estates Unit 3

Lot 1, East Coast Canal Estates Unit 3 as recorded in Map Book 5, page 64 of the Public Records of St. Johns County, Florida; excepting therefrom a 30 foot by 30 foot square in the Northeasterly corner of said lot 1.

Lota 2 and 3, East Coast Canal Estates Unit 3 as recorded Map Book 5, page 64 of the Public Records of St. Johns County, Florida.

EXHIBIT "B"

SOUTHEASTERN ENVIRONMENTAL AUDITS, INC.
8711 PERIMETER PARK BOULEVARD, SUITE 11
JACKSONVILLE, FLORIDA 32216

(904) 645-9800

5 November 1997

Mr. Joseph M. Hixon
Hixon Investments
4400 Marsh Landing Boulevard, Suite 7
Ponte Vedra Beach, Florida 32082

RE: Environmental Site Inspection
Lots 1, 2, & 3, East Coast Canal Estates, Unit 3
SEAI Project No. SJ97139

Dear Mr. Hixon:

Southeastern Environmental Audits, Inc. (SEAI) has completed an Environmental Site Inspection (ESI) of the above-referenced facility located in the northwestern quadrant of the intersection of Roscoe Boulevard and Canal Boulevard in Palm Valley, St. Johns County, Florida, herein referred to as the *property*. This ESI was conducted pursuant to your request to visually identify the presence/absence of "recognized environmental conditions" as defined by ASTM Standard Practice E1527 for Environmental Site Assessments, and is intended to be used as a baseline for existing conditions relative to any future uses of the site. Tasks completed for this investigation were limited to the following: (1) review of physical setting sources, and regulatory records; (2) site and vicinity reconnaissance for recognized environmental conditions; and (3) preparation of this letter report to document and assess any potential recognized environmental conditions identified in connection with the *property*.

A representative for SEAI conducted a visual site inspection of the *property* on 30 October 1997. The site inspection included a thorough pedestrian survey of the current existing conditions of the *property*, and included an inspection of the *property's* perimeter, and the remainder of the *property* as site conditions allowed. Adjoining properties that included a private residence to the north, Roscoe Boulevard to the east with a commercial nursery/landscaping business beyond, Canal Boulevard to the south with an undeveloped lot and a canal beyond, and the Intracoastal Waterway to the west, were also visually inspected as conditions would allow for evidence of potential environmental concerns.

A small amount of concrete rubble was observed on a north-central portion of the *property* that appeared to be the remnant of a former structure that was thought to have existed on-site. No evidence of any other structures was observed on the *property*. No evidence of stained soils, either past or present, suspicious dead or stressed vegetation, or other visual indicators of potential environmental concerns was observed either on the *property*, or on any of the immediately adjoining properties.

EXHIBIT "C"