

RESOLUTION NO. 99-154

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED ON THE NORTH SIDE OF C.R. 210 WEST, ACROSS FROM TROUT CREEK SUBDIVISION.**

**WHEREAS**, it is required by the St. Johns County Land Development Code, Section 6.08.12,N.S.2, Communications Antenna Towers. The County conveyed an access easement to communications tower sites or periodic inspections or for dismantling the tower if the tower does not comply with the Land Development code or becomes abandoned; and

**WHEREAS**, acceptance of this easement does not constitute any maintenance or construction responsibility and this easement is given for reasons or purposes referred to herein; and

**WHEREAS**, the Easement as described in Exhibit "A", incorporated by reference and made a part hereof, conveys to St. Johns County the required access.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, Florida as follows:

1. The Easement as described in Exhibit "A" is hereby accepted for the herein stated purpose.
2. The Clerk is authorized to record the executed Easement in the Public Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 26 day of October, 1999.

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

BY: Marc A. Jacalone  
Marc A. Jacalone, Chairman

**ATTEST:** Cheryl Strickland, Clerk

By: Cheryl Strickland  
Deputy Clerk

When recorded return to:  
American Tower Corporation  
Leslie Carson  
325 Interstate Blvd ,  
Sarasota, Florida 34240

### EASEMENT FOR TOWER REMOVAL

This Easement for Tower Removal is made as of September 22, 1999, by **Helow Properties Ltd.**, a Florida limited partnership whose address is 9140 Golfside Drive, Suite 7, Jacksonville, Florida 32256 (the "Grantor") in favor of **ST. JOHNS COUNTY, FLORIDA** (the "Grantee")

#### Recitals:

- A. Grantor has leased a portion of Grantors' property to American Tower Corporation. ("ATC") for the erection by ATC of a telecommunications tower (the "Tower").
- B. As a condition of Grantee's approval to allow the construction of the Tower, ATC is required to: (i) post a bond or other security for the removal of the Tower if it is abandoned in the future and (ii) obtain the easement set forth herein to allow the County access to remove the Tower.

**WITNESSETH:** That Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, to it in hand paid by the Grantee, the receipt and adequacy of which are hereby acknowledged, hereby grants, bargains and transfers to the said Grantee, its successors and assigns forever, an unobstructed right-of-way and easement with the right, privilege and authority to said Grantee, its successors and assigns, of ingress, egress and access to remove the Tower, on along, over, through and across the following described land situated in St Johns County, Florida, to wit (the "Premises")

#### See Exhibit A attached

The easement granted pursuant hereto shall allow Grantee and Grantee's staff, agents, contractors, successors and assigns the right to enter the Premises for the purposes of test, inspections, removal and/or dismantling of the Tower in the event the Tower is abandoned as set forth in applicable ordinances. The easement granted pursuant hereto shall be irrevocable and perpetual; provided, however, that once the Tower is removed from the Premises, whether by Grantee or otherwise, this easement shall be deemed terminated. A recorded affidavit executed by the current property owner, ATC or the Grantee which indicates that the Tower has been removed from the Premises shall be deemed sufficient to terminate this easement of record. The Grantor may relocate this easement as provided in the American Tower Corporation tower Lease.

**IN WITNESS WHEREOF**, Grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered  
In the presence of:

Helow Properties, Ltd.,  
by Marion Services., Inc  
General Partner

JEFF Pilgrim / JRP  
(Printed Name)

By: Joseph Helow  
Print Name: Joseph Helow  
Title: Vice President

Kimi Stone / Kimi Stone  
(Printed Name)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of September, 1999, by **Joseph Helow**, as **Vice President**, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC  
Print Name: Kim M Troilo  
Commission No: 708784  
My Commission Expires: 12-22-02



**KIM M. TROILO**  
Notary Public, State of Florida  
My comm. expires Dec. 22, 2002  
Comm. No. CC 798784

**ADVANCED LAND SURVEYING AND MAPPING, INC.**

GPS And Conventional Survey Services

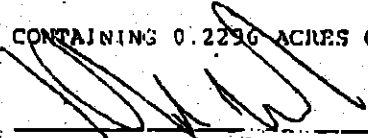
**LEGAL DESCRIPTION**

**AMERICAN TOWER CORPORATION  
WHITEH FORD PL-1285 D  
LEASE PARCEL**

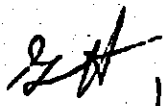
A PART OF SECTION 23, TOWNSHIP 05 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE EXISTING NORTHERLY RIGHT OF WAY LINE OF STATE ROAD No. 210 (A 100' RIGHT OF WAY), SAID POINT BEING THE SOUTHEAST CORNER OF THOSE LANDS DEPECTED ON A BOUNDARY SURVEY PREPARED BY DESSENT, HAMMACK & RUCKMAN, INC., DATED MARCH 25, 1998, JOB No.00-204, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 169, PAGE 328, THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 85°55'53" WEST, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 250.00 FEET; THENCE NORTH 04°04'07" WEST, A DISTANCE OF 650.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 85°55'53" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 04°04'07" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 85°55'53" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 04°04'07" EAST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.2296 ACRES OR 10000 SQUARE FEET MORE OR LESS.

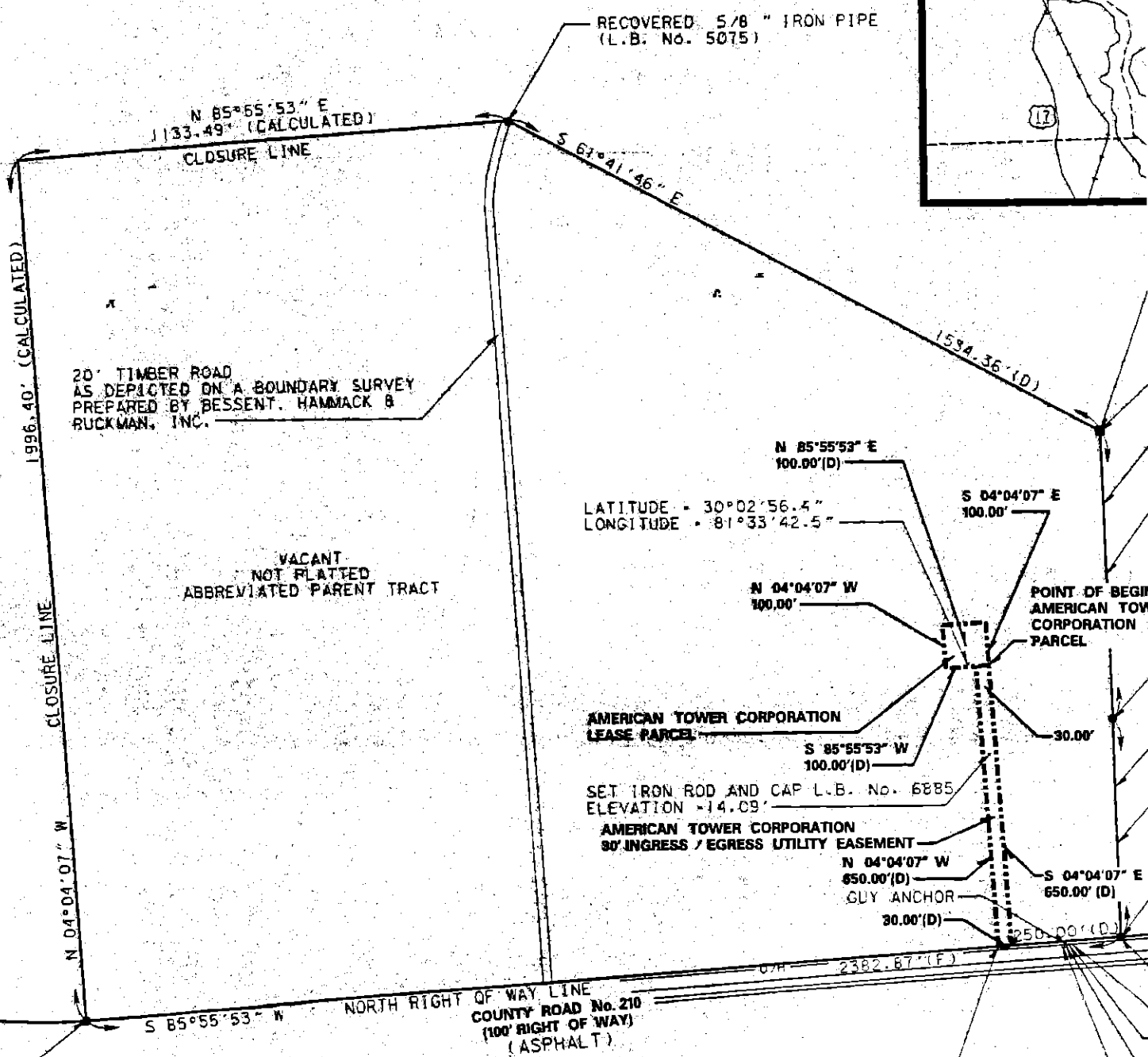
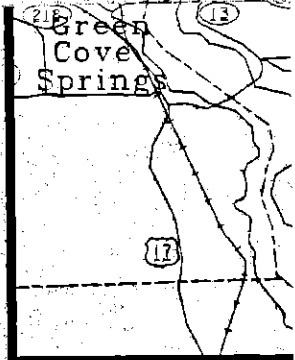
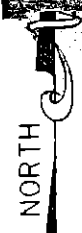
  
KIRK B. MITCHELL, F.S.M.  
FLORIDA REGISTERED SURVEYOR & MAPPER No. 5682  
CERTIFICATE OF AUTHORIZATION No. L.B. 6885

PREPARED: 09/20/98  
REVISED: 12/02/98  
FILENAME: \\100-0019\100-0019.DOC

 12/14/98

P.O. Box 591128  
Orlando, FL 32859-3128

Phone: (407) 509-2305  
Fax: (407) 826-0084



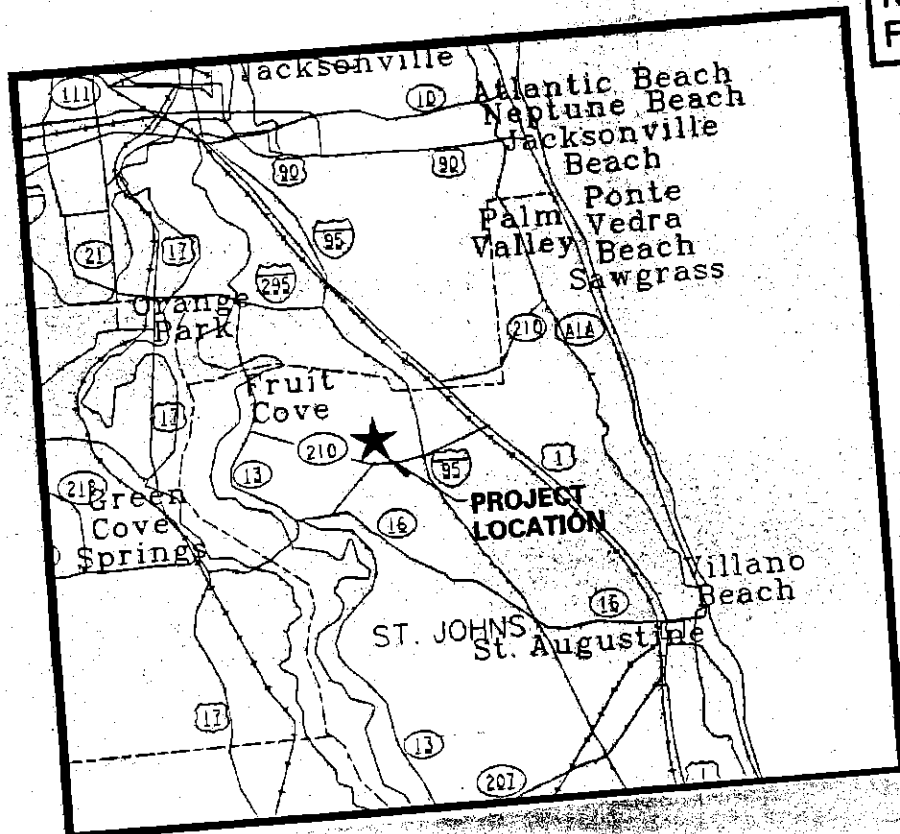
D 1/2"  
 AND CAP  
 L.B. 6739

POINT OF BEGINNING  
 AMERICAN TOWER CORPORATION  
 30' INGRESS / EGRESS  
 UTILITY EASEMENT

**LEGAL DESCRIPTION**  
 (AS PREPARED BY SURVEYOR)

10' x 20' NL

NOT A LEGAL BOUNDARY  
FOR INFORMATION



RED. 5/8" IRON PIPE  
No. 5075

