

RESOLUTION NO. 99-159

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, NECESSARY TO COMPLETE THE ST. JOHNS COUNTY STATE ROAD 16 WASTEWATER TREATMENT PLANT EXPANSION.

RECITALS

WHEREAS, Casey Broadcasting, Inc., a Georgia corporation (hereinafter "Casey"), is the owner of a 30 foot strip of land (hereinafter the "Exchange Parcel") which runs through the middle of County owned property (hereinafter "County Property") located off State Road No. 16, which is the site of the St. Johns County State Road 16 Wastewater Treatment Plant; and

WHEREAS, said 30 foot strip of land ("Exchange Parcel") is being used for access to a parcel of land (hereinafter the "Adjacent Property") also owned by Casey Broadcasting which is adjacent to the County Property; and

WHEREAS, during the design of a Wastewater Treatment Plant Expansion on the County Property, it was brought to the County's attention by its consultant engineer that the County acquiring the fee title to said 30 foot strip ("Exchange Parcel") would be most desirable for the necessary expansion; and

WHEREAS, Casey Broadcasting has agreed to convey to the County said 30 foot strip ("Exchange Parcel") as more particularly described in Warranty Deed attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, in consideration for said Exchange Parcel, Casey Broadcasting has agreed to accept from the County an easement for ingress and egress over a portion of the County Property (hereinafter the "Access Parcel") as more particularly described in the Grant of Easement attached hereto as Exhibit "B", incorporated by reference and made a part hereof, necessary for Casey's access to their adjacent property; and to require that an easement be given from the County to AT&T, which currently leases a portion of the said Adjacent Property, over the same portion of County Property as the "Access Parcel" easement described in Exhibit "B", as more particularly described in Access and Utility Easement attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

WHEREAS, upon passage of this Resolution, AT&T will extinguish their interest in an existing Access and Utility Easement across the "Exchange Parcel" by executing the Partial Termination and Vacation of An Easement as attached hereto as Exhibit "D", incorporated by reference and made a part hereof; and

WHEREAS, said Access Parcel is not needed for County purposes and this exchange of property would be in the best interest of the public; and

WHEREAS, said proposed exchange of property has been advertised in accordance with the requirements of Section 125.37, Florida Statutes.

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

1. We incorporate the above Recitals as findings of fact.
2. The Warranty Deed conveying to St. Johns County the Exchange Parcel in substantially the form attached hereto is hereby accepted and the Clerk is instructed to record the Deed in the Public Records of St. Johns County, Florida.
3. The Grant Easement for ingress and egress over the Access Parcel in substantially the form attached hereto is hereby approved for execution by the Chairman of the Board and the Clerk is instructed to record said Grant of Easement in the Public Records of St. Johns County, Florida.
4. The Access and Utility Easement over the Access Parcel in substantially the form attached hereto is hereby approved for the execution by the Chairman of the Board and the Clerk is instructed to record said Access and Utility Easement in the Public Records of St. Johns County, Florida.
5. The Termination of Easement in substantially the form attached hereto is hereby accepted and the clerk is instructed to said Termination of Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 9 day of November, 1999.

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

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia D. Glade
Deputy Clerk

Exhibit "A" to Resolution

Prepared By:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P. O. Box 1533
St. Augustine, FL 32085-1533

WARRANTY DEED

THIS WARRANTY DEED made and executed the ____ day of _____, 1999 by **CASEY BROADCASTING CO., INC.**, a Georgia corporation, whose address is 2101 Highway 40 East, St. Mary's, Georgia 31558, hereinafter called the Grantor, to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is P. O. Drawer 349, St. Augustine, Florida 32085-0349, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate, lying and being in St. Johns County, State of Florida, described as follows:

PROPERTY AS DESCRIBED ON ATTACHED EXHIBIT "A", INCORPORATED BY REFERENCE AND MADE A PART HEREOF.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except easements, restrictions and reservations of record, if any, and taxes accruing subsequent to December 31, 1999.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of :

CASEY BROADCASTING CO.,
INC., a Georgia corporation

Witness:

By: _____
Title: _____

Witness

ATTESTED BY:

Its Corporate Secretary

STATE OF _____
COUNTY OF _____

(Corporate Seal)

The foregoing instrument was acknowledged before me this ___ day of _____, 1999,
by _____ of CASEY BROADCASTING CO., INC., a Georgia
corporation on behalf of the corporation. He/she is personally known to me or has
produced _____ as identification.

Notary Public

EXHIBIT "A" to Warranty Deed

A STRIP OF LAND 30 FEET IN WIDTH IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 7 OF SAID SECTION 9, (BEING THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 9); THENCE DUE EAST, ON THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 918.30 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 06 SECONDS WEST 470.04 FEET TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED STRIP OF LAND AND THE POINT OF BEGINNING; THENCE DUE WEST 475.73 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 46 SECONDS WEST, ON THE EAST LINE OF A 60 FOOT WIDTH EASEMENT, 30.00 FEET; THENCE DUE EAST 475.62 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 06 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING.

Exhibit "B" to Resolution

Prepared by:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P. O. Box 1533
St. Augustine, FL 32085-1533

GRANT OF EASEMENT

THIS EASEMENT AGREEMENT is executed this ____ day of _____, 1999, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is P. O. Drawer 349, St. Augustine, Florida 32085-0349, hereinafter called the Grantor, to **CASEY BROADCASTING CO., INC.**, a Georgia corporation, whose address is 2101 Highway 40 East, St. Mary's Georgia 31558, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives and assigns of individuals and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH: The Grantor and Grantee, for and in consideration of the sum of Ten Dollars and No/100's (\$10.00) paid by Grantee and of the mutual covenants and promises set forth below, agree:

1. **Easement.** The Grantor hereby grants, bargains and sells to Grantee, its successors, legal representatives and assigns a perpetual non-exclusive easement for ingress and egress over, through, across or under the following described parcel of property located in St. Johns County, Florida, attached hereto as EXHIBIT "A", incorporated by reference and made a part hereof.
2. **Maintenance.** Grantor shall maintain easement parcel in accordance with other similar roadway easements within St. Johns County.
3. **Indemnification and Hold Harmless.** Grantee by acceptance of this Easement, hereby agrees to indemnify, defend and hold harmless Grantor from any loss, damage, claim, cost or expense incurred by Grantor, arising out of the exercise by the Grantee, or its successors, assigns, invitees or designees of the easement rights herein granted, excluding the negligence of Grantor.
4. **Easement Running with Land.** The Easement and rights herein granted are and shall be an appurtenance to the Grantee's land, shall run with and bind the Grantor's land burdened thereby, and shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the Grantor and Grantee have caused this Grant of Easement to be executed, the day and year first above written.

Signed, sealed and delivered
in the presence of :

Print Name: _____

Print Name: _____

GRANTOR

ST. JOHNS COUNTY, FLORIDA

By: _____

Its: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument as acknowledged before me this ____ day of _____, 1999,
by _____ the _____ of St. Johns County,
Florida, on behalf of the County. He is personally known to me.

Notary Public, State of Florida
My Commission Expires: _____

EXHIBIT "A" to Grant of Easement

AN EASEMENT FOR INGRESS AND EGRESS ACROSS A PORTION OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 7, OF SAID SECTION 9; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID SECTION 9, 918.30 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 857, PAGE 982; THENCE NORTH 00 DEGREES 41 MINUTES 06 SECONDS WEST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, 30.00 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 537.18 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 46 SECONDS WEST, 440.02 FEET TO THE SOUTHERLY LINE OF 60 FOOT WIDE EASEMENT DESCRIBED IN SAID OFFICIAL RECORDS IN BOOK 857, PAGES 982 AND 983; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY LINE, 60.00 FEET; THENCE SOUTH 00 DEGREES 29 MINUTES 46 SECONDS EAST, 410.02 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 457.08 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 06 SECONDS WEST, 440.04 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 20.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN SAID OFFICIAL RECORDS IN BOOK 857, PAGE 982; THENCE SOUTH OF 00 DEGREES 41 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF SAID LANDS, 470.04 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C" to Resolution

Prepared by:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P. O. Box 1533
St. Augustine, FL 32085-1533

ACCESS AND UTILITY EASEMENT

THIS EASEMENT is executed this ____ day of _____, 1999, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is P. O. Drawer 349, St. Augustine, Florida 32085-0349, hereinafter called the Grantor, to **AT&T WIRELESS SERVICES OF FLORIDA, INC.**, a Florida corporation, whose address is 2400 Maitland Center Parkway, Suite 110, Maitland, Florida 32751, hereinafter called the Grantee:

WITNESSETH:

WHEREAS, Grantor is the owner of certain land situate in St. Johns County, Florida, attached hereto as EXHIBIT "A", incorporated by reference and made a part hereof; and

WHEREAS, Grantee leases a portion of land adjacent to that of Grantors (hereinafter the "Leased Premises") as more particularly described and set forth in that certain Memorandum of Lease recorded in Official Records Book 750, page 1253, of the public records of St. Johns County, Florida; and

WHEREAS, Grantor desires to grant Grantee and its heirs, successors and assigns a certain easement over and across Grantor's land on said attached EXHIBIT "A", for the purposes and under the conditions more specifically described herein:

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Grantor hereby grants, bargains, sells and conveys to Grantee and its heirs, successors and assigns a non-exclusive easement for access, ingress and egress to and from the "Leased Premises" and for the placement of utility lines to provide electrical power to the Grantee's tower site located on "Leased Premises" for the benefit of and as an easement appurtenant to the "Leased Premises" and to have and to hold for the life of the above referenced lease including all renewals thereof, and together with all the tenements, hereditaments and appurtenances belonging to or in any wise appertaining to said Lease.
2. This Easement shall be binding upon and inure to the benefit of the parties' heirs successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this Easement on the day and year first above written.

GRANTOR

ST. JOHNS COUNTY, FLORIDA

Signed, sealed and delivered
in the presence of:

Print Name _____

Print Name _____

By: _____
Its: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 1999,
by _____ the _____ of St. Johns
County, Florida, on behalf of the County. He is personally known to me.

Notary Public, State of Florida
My Commission Expires: _____

EXHIBIT "A" to Access and Utility Easement

AN EASEMENT FOR INGRESS AND EGRESS ACROSS A PORTION OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 7, OF SAID SECTION 9; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID SECTION 9, 918.30 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 857, PAGE 982; THENCE NORTH 00 DEGREES 41 MINUTES 06 SECONDS WEST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, 30.00 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 537.18 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 46 SECONDS WEST, 440.02 FEET TO THE SOUTHERLY LINE OF 60 FOOT WIDE EASEMENT DESCRIBED IN SAID OFFICIAL RECORDS IN BOOK 857, PAGES 982 AND 983; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY LINE, 60.00 FEET; THENCE SOUTH 00 DEGREES 29 MINUTES 46 SECONDS EAST, 410.02 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 457.08 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 06 SECONDS, WEST, 440.04 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 20.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN SAID OFFICIAL RECORDS IN BOOK 857, PAGE 982; THENCE SOUTH OF 00 DEGREES 41 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF SAID LANDS, 470.04 FEET TO THE POINT OF BEGINNING.

Prepared by:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P. O. Box 1533
St. Augustine, FL 32085-1533

PARTIAL TERMINATION AND VACATION OF AN EASEMENT

THIS PARTIAL TERMINATION AND VACATION OF AN EASEMENT made this _____ day of _____, 1999, by and between **AT&T WIRELESS SERVICES OF FLORIDA, INC.**, a Florida corporation, formerly known as Jacksonville Cellular Telephone Company, a Florida general partnership, whose address is 2400 Maitland Center Parkway, Suite 110, Maitland, Florida 32751, hereinafter called party of the first part and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is P. O. Drawer 349, St. Augustine, Florida 32085-0349, hereinafter called party of the second part,

WHEREBY, the party of the first part does hereby cancel and vacate that certain Easement described and recorded in Official Records Book 751, page 1429, of the public records of St. Johns County, Florida, as to all the land situate, lying and being in St. Johns County, State of Florida, and being more particularly described as follows:

PROPERTY AS DESCRIBED ON ATTACHED EXHIBIT "A", INCORPORATED BY REFERENCE AND MADE A PART HEREOF.

In consideration of the payment by the party of the second part of **TEN DOLLARS (\$10.00)** and other good and valuable consideration, receipt of which is hereby acknowledged by the party of the first part, the party of the first part **AT&T WIRELESS SERVICES OF FLORIDA, INC.**, a Florida corporation, does hereby terminate and vacate that easement described above, effective this date. Nothing herein contained shall in anywise impair, alter or diminish the effect of the remaining part of such land described in said easement or any rights of the party of the first thereof.

IN WITNESS WHEREOF, party of the first part has executed termination on _____, 1999 at _____, Florida.

Signed, sealed and delivered
in the presence of :

AT&T WIRELESS SERVICES OF
FLORIDA, INC., a Florida corporation

Witness

By: _____
Title: _____

Witness

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 1999,
by _____ of AT&T WIRELESS SERVICES, INC., a Florida
corporation, on behalf of the corporation. He/She is personally known to me or has produced
_____ as identification.

Notary Public
My Commission Expires:

EXHIBIT "A" to Partial Termination and
Vacation of An Easement

A STRIP OF LAND 30 FEET IN WIDTH IN THE SOUTHEAST QUARTER OF SECTION 9,
TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 7 OF SAID
SECTION 9, (BEING THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF
SECTION 9); THENCE DUE EAST, ON THE SOUTH LINE OF SAID SECTION 9, A
DISTANCE OF 918.30 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 06 SECONDS
WEST 470.04 FEET TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF
THE HEREIN DESCRIBED STRIP OF LAND AND THE POINT OF BEGINNING;
THENCE DUE WEST 475.73 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 46
SECONDS WEST, ON THE EAST LINE OF A 60 FOOT WIDTH EASEMENT, 30.00 FEET;
THENCE DUE EAST 475.62 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 06
SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING.



Prepared By: **ST. JOHNS COUNTY
GIS PROGRAM**

Map Date: October 29, 1999



LEGEND

Parcel Ownership

-  St. Johns County
-  Casey Broadcasting
-  Exchange Parcel
-  Access Easement

STATE ROAD 16 WASTEWATER TREATMENT PLANT EXPANSION