

RESOLUTION NO. 2000-180

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A DEPARTMENT OF THE ARMY RIGHT-OF-ENTRY FOR CONSTRUCTION FROM ST. JOHNS COUNTY TO THE UNITED STATES OF AMERICA FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PALM VALLEY BRIDGE REPLACEMENT PROJECT.

RECITALS

WHEREAS, on November 30, 1999, per Resolution No. 99-182 the Board of County Commissioners authorized the execution and delivery of the Project Cooperation Agreement between the Department of the Army and St. Johns County, Florida for construction, operation and maintenance of the Palm Valley Bridge Replacement Project; and

WHEREAS, it is required by the Army Corps of Engineers for said project to begin that St. Johns County grant the United States of America the right to enter upon certain County owned right-of-ways as described in Department of the Army Right-of-Entry for Construction in substantially the form attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, it is in the best interest of the citizens of St. Johns County to authorize the execution of said Department of the Army Right-of-Entry for Construction for the purposes mentioned above.

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

Section 1. We incorporate the above Recitals as finds of fact.

Section 2. The Chairman of the Board is hereby authorized to execute the Department of the Army Right-of-Way for Construction in substantially the form attached hereto and the clerk is instructed to send the original to the Army Corps of Engineers and file a copy in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 28th day of November, 2000.

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

By: Mary F. Kohnke
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk

Patricia A. Grande
Deputy Clerk

DEPARTMENT OF THE ARMY

RIGHT-OF-ENTRY FOR CONSTRUCTION

Palm Valley Bridge Replacement
(Project, Installation or Activity)

County Road No. 210 Right-of-Way
(Tract Number or Other Property Identification)

The undersigned, hereinafter called the "Owner", hereby grants to the **UNITED STATES OF AMERICA**, hereinafter called the "Government", a permit or right-of-entry upon the following terms and conditions:

1. The owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of Thirty-six (36) months from the date of this instrument, in order to erect temporary buildings or any other type of improvements and to perform construction work of any nature.
2. This permit includes the right of ingress and egress on other adjoining lands of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government.
3. All tools, equipment, improvements and other property taken upon and placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.
4. The Government agrees to be responsible for damages arising from the activity of the Government, its officers, employees or representatives on said land, in the exercise of rights under this permit or right-of-entry, either by repairing such damage or at the option of the Government by making an appropriate settlement with the Owner in lieu thereof.
5. The Government shall have the right to patrol and police the lands hereinafter described during the period of this permit or right-of-entry.
6. If aircraft flights over said lands, or entry upon the land by means of helicopter or other type aircraft, are necessary, the Government shall inform the Owner, in advance, of each such flight or entry.
7. The land affected by this permit or right-of-entry is located in the State of Florida, County of St. Johns and is described as follows:

All that tract or parcel of land lying and being in St. Johns County, Sections 28, 51 and 54, Township 4 South, Range 29 East, St. Johns County, Florida, as described in attached Exhibit "A".

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

BY: _____
Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2000, by _____, Chairman of the Board of County Commissioners of St. Johns County, Florida, on behalf of the County, who is personally known to me.

Notary Public
My Commission Expires: _____

Exhibit "A"

All existing rights of way for former State Road 210 (also known as Palm Valley Road) lying in Sections 28, 51 and 54, Township 4 South, Range 29 East, St. Johns County, Florida. Also described in deed recorded in Official Records Book 699, page 16, of the public records of said County.

