

RESOLUTION NO. 2001-55

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING A FIFTY YEAR LICENSE TO FLORIDA POWER & LIGHT COMPANY TO PROVIDE ELECTRICAL SERVICE TO THE ST. JOHNS COUNTY UTILITY DEPARTMENT'S US-1/RAY ROAD GROUND WATER STORAGE TANK AND BOOSTER STATION.

WHEREAS, Florida Power & Light Company (hereinafter "FPL") has requested a license to use a portion of County owned property (hereinafter "Premises") bearing legal description attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, this license will allow FPL to place an on-site electrical transformer to provide electrical service to the St. Johns County Utility Department's US-1/Ray Road Ground Storage Water Tank and Booster Station; and

WHEREAS, it is found, as allowed by Section 125.42, Florida Statutes, that it is reasonably necessary for protection of the County and the public for St. Johns County to grant said FPL a license to efficiently provide electrical service to said facility.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Johns County, Florida, hereby grants a FPL a fifty year non-exclusive license to use the "Premises" for purposes mentioned above.

1. The above referenced recitals are found to be true and correct and are incorporated herein by reference.
2. The License is granted subject to the following conditions and limitations:
 - a. The grant of this License shall in no way restrict the right and interest of the Licensor (St. Johns County) in the use and maintenance of the "Premises" to the extent that such use does not interfere with the rights granted herein.
 - b. The Licensee (FPL) and its agents shall have the duty to not create any obstructions or conditions of the public right-of-way adjoining the "Premises" which are or may become dangerous to the public, County or its agents or employees.

- c. The Licensee shall be liable for the personal injuries and damages to real or personal property that may result from its use of the "Premises" and shall defend, hold harmless and indemnify the Licensor, its officers, employees and agents for and from any damages, claims, liability or costs resulting from the exercise of the privileges granted.
 - d. In the event of widening, repair or reconstruction of any County road or other governmentally owned or controlled property, the Licensee shall move or remove its improvements and electrical lines at no cost to the County.
 - e. The Licensee shall promptly repair any damage or injury to the road or highway by reason of the exercise of the privileges granted in any instrument creating such license and to repair the road or highway promptly, restoring it to a condition at least equal to that which existed prior to the infliction of such damage or injury.
3. The Licensee is hereby granted authority to allow its agents to exercise the Licensee privileges under this License; however in such case, the Licensee shall by allowing such exercise of privileges assume direct responsibility and liability to St. Johns County for Licensee's agent's compliance with the terms of this License.
4. Licensee shall have the right to clear and keep the "Premises" clear of all trees, undergrowth or other obstructions and to trim and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs in the vicinity of the "Premises" on lands owned by the Licensor which might interfere with Licensee's use of the "Premises". Provided however that this provision is subject to compliance with the applicable St. Johns County Tree Ordinances.
5. The License shall run with the land and shall be binding on and shall inure to the benefits of the parties hereto, their successors or assigns for Fifty Years so long as the electrical service is needed on the "Premises". This Licensee is subject to termination by the St. Johns County in the event the subject County property is abandoned, vacated, discontinued or reconstructed by St. Johns County or its agents.
6. This License may be renewed for subsequent terms of Fifty Years at the discretion of St. Johns County Board of County Commissioners.

7. This License is not intended to confer with any rights not specifically stated herein and the Licensee is granted not interest other than the Fifty-Year License. Expenditures made by the Licensee on the "Premises" shall in no way be deemed to make this License irrevocable.
8. The Clerk is instructed to record this Resolution in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 21st day of March, 2001,
by the Board of County Commissioners of St. Johns County, Florida.

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

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

ATTEST: Cheryl Strickland, Clerk

By: Patricia DeGrande
Deputy Clerk

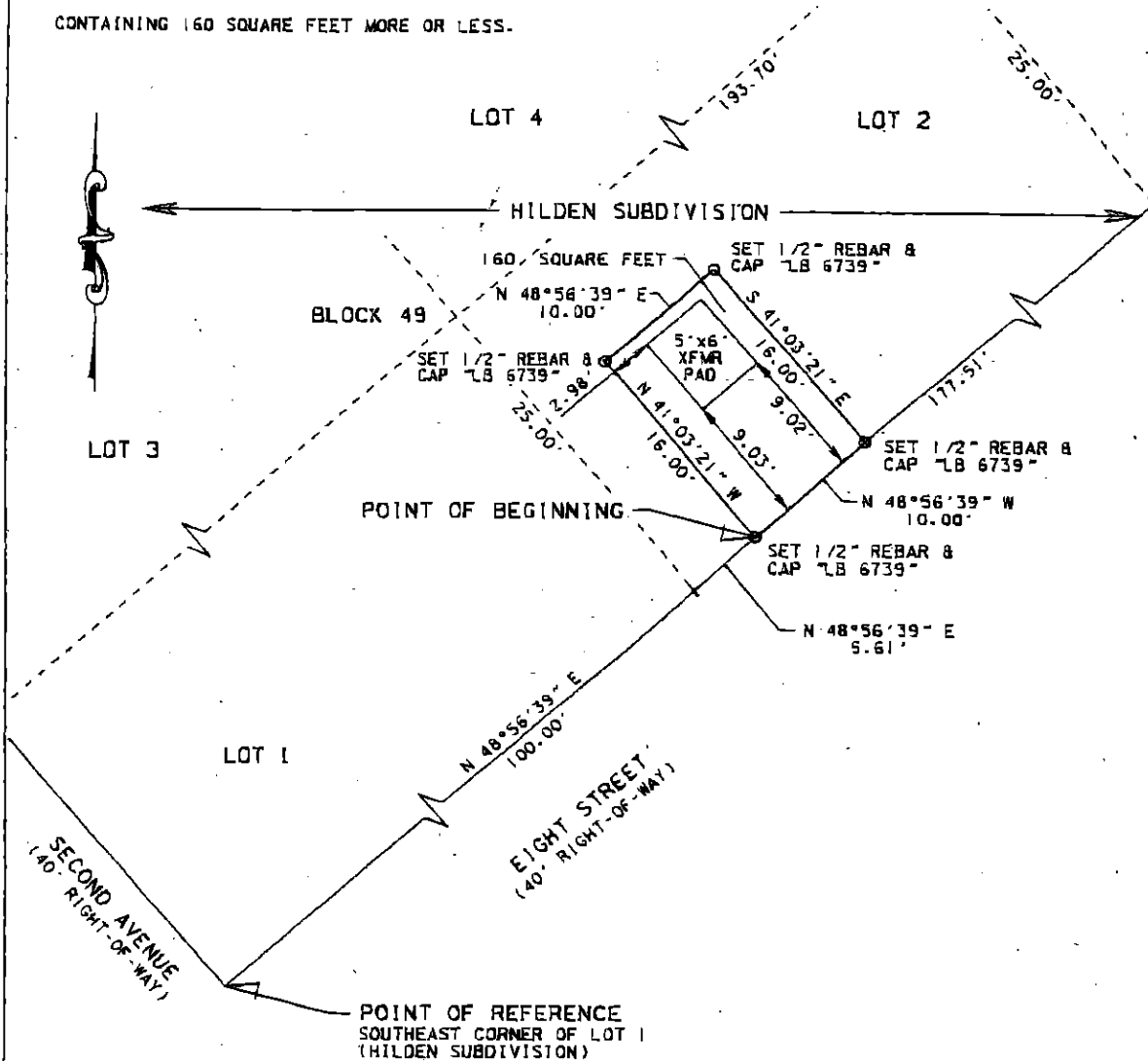


MAP OF

FPL EASEMENT AT JEA BOOSTER STATION ON U.S. 1

A PART OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK 49, HILDEN SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 59, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 48°56'39" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 100.00 FEET TO THE SOUTHERLY CORNER OF LOT 2, OF SAID BLOCK 49; THENCE CONTINUE NORTH 48°56'39" EAST ALONG THE SOUTHEASTERLY LOT LINE OF SAID LOT 2, A DISTANCE OF 5.61 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID LOT LINE, NORTH 41°03'21" WEST, A DISTANCE OF 16.00 FEET; THENCE NORTH 48°56'39" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 41°03'21" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON SAID SOUTHEASTERLY LOT LINE; THENCE SOUTH 48°56'39" WEST ALONG SAID LOT LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 160 SQUARE FEET MORE OR LESS.



NOTES:

1. BEARINGS SHOWN HEREON BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF EIGHT STREET, BEING N 48°56'38" E, AS RECORDED IN MAP BOOK 3, PAGE 59, OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.
2. XFMR DENOTES TRANSFORMER

THIS IS A MAP ONLY AND DOES NOT PURPORT TO BE A SURVEY

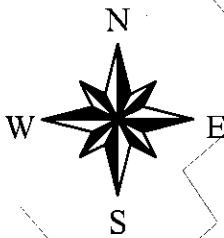
I HEREBY CERTIFY THAT THIS MAP MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

Bessent, Hammack & Ruckman, Inc.

Engineers - Planners - Landscape Architects - Surveyors
1900 Corporate Square Boulevard
Jacksonville, Florida 32216
Phone (904) 721-2991 Fax (904) 725-0171
Certification Number LB 6739

Carl J. Schellhase
CARL J. SCHELLHASE FLA. P.S.M. CERT. NO. LS 5021
BRENDA D. CATONE FLA. P.S.M. CERT. NO. LS 5447
DATED: JANUARY 30, 20 01
SCALE: 1" = 10'

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



OR1584P61311

200 0 200 400 Feet

Ray Rd

N.W. Tenth Street

Sixth St.

Fifth St.

N.E. Ninth St.

Fourth St.

N.E. Eighth St.

Old Dixie Hwy

N.E. Seventh St.

Second Avenue

License Area

NE Fifth St

SUBJECT:
 FPL License Agreement
 10' X 16' rectangle, part of
 Lot 2, Block 49
 Hilden Subdivision
 as recorded in:
 Map Book 3, page 59



DISCLAIMER: Data provided herein are from multiple sources with varying degrees of accuracy. This map therefore should be used for estimate purposes only. The St. Johns Real Estate Division disclaims all responsibility for the accuracy or completeness of the data shown.



PREPARED BY:

ST. JOHNS COUNTY
REAL ESTATE DIVISION

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**AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

Deadline for Submission - Monday 9 a.m. - One Week Prior to BCC Meeting

March 27, 2001

BCC MEETING DATE

TO: Ben W. Adams, Jr., County Administrator **DATE:** March 14, 2001

FROM: Mary Ann Blount, Real Estate Manager

SUBJECT OR TITLE: A Resolution granting a fifty year license to Florida Power & Light Company to provide electrical service to the St. Johns County Utility Department.

<input type="checkbox"/> BUSINESS ITEM	<input type="checkbox"/> BONDS	<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> PUBLIC HEARING
<input checked="" type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> APPOINTMENTS	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> BID AWARD
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REPORT	<input type="checkbox"/> CONTRACT	<input type="checkbox"/> EX PARTE COMMUNICATIONS

BACKGROUND INFORMATION: (Attach additional pages if necessary)

Florida Power & Light Company has requested a license to use a portion of County owned property located off US 1 North in Hilden Subdivision.

This license will allow Florida Power & Light Company to place an on-site electrical transformer to provide electrical service to the St. Johns County Utility Department's US-1/Ray Road Ground Storage Water Tank and Booster Station.

IF FUNDING IS REQUIRED, INDICATE THE SOURCE OF FUNDS & IF BUDGETED YES X NO

Source:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to adopt Resolution No. 2001-_____ granting a fifty year license to Florida Power & Light Company to provide electrical service to the St. Johns County Utility Department's US-1/Ray Road Ground Water Storage Tank and Booster Station.

Administration: *MB* Initials

FORWARDED TO BCC **SUPPORTING MATERIAL ATTACHED**