

RESOLUTION NO. 2002- 169

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR THE RELOCATION AND RECONSTRUCTION OF A SEWER LINE AND LIFT STATION LOCATED IN SEASIDE AT ANASTASIA SUBDIVISION; APPROVING EXECUTION OF A TERMINATION OF GRANT OF EASEMENT, AND GRANT OF A NEW EASEMENT.

RECITALS

WHEREAS, St. Johns County, Florida, successor to Anastasia Sanitary District was granted an easement for a sewer line over and across certain property now owned by Anastasia Developers II, L.L.C.; and

WHEREAS, The existing 10 foot sewer easement is to be abandoned by St. Johns County. The new Easement is required for the reconstruction of an existing lift station to be enlarged and the relocation of a sewer collection system; and

WHEREAS, Anastasia Developers II, L.L.C. has agreed to grant St. Johns County an additional easement for said purposes and in exchange St. Johns County will terminate that portion of the original easement, both more particularly described in Termination of Grant of Easement and Grant of Easement attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and .

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above as stated in a memo attached hereto as Exhibit "B", incorporated by reference and made a part hereof.

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

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Easement for Utilities is hereby accepted and the Chairman of the Board of County Commissioners is hereby authorized to execute the Termination of Grant of Easement and Grant of Easement.

Section 3. The Clerk is instructed to record the original Termination of Grant of Easement and Grant of Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 3rd day of September, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia Alegranda
Deputy Clerk

RENDITION DATE 9-6-02



Exhibit "A" to Resolution

**TERMINATION OF GRANT OF EASEMENT
AND
NEW GRANT OF EASEMENT**

THIS INSTRUMENT is made this ____ day of _____, 2002, by and between ANASTASIA DEVELOPERS II, L.L.C., successor to Gulf Financial Investment Corporation ("Grantor"), whose address is 13080 Mandarin Road, Jacksonville, Florida, 32223, and ST. JOHNS COUNTY, FLORIDA, a Political Subdivision of the State of Florida, successor to Anastasia Sanitary District ("Grantee"), whose address is 4020 Lewis Speedway, St. Augustine FL 32084.

WITNESSETH:

WHEREAS, Gulf Financial Investment Corporation granted an easement for a sewer and water line and access thereto, over and across the easement parcels contained in that certain Easement dated February 15, 1974, and recorded August 30, 1974, in Official Records Book 260 page 927 of the public records of St. Johns County, Florida (the "Original Easement"); and

WHEREAS, Grantor and Grantee have agreed to terminate the Original Easement and substitute therefore and grant a new easement for the same purposes.

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

1. Grantee does hereby remise, release and forever terminate all easement rights granted over and across the portion of the land subject to the Original Easement as more particularly described on Exhibit "A" attached hereto and be reference made a part hereof (referred to herein as "Released Easement Property"), and said portion of the Original Easement over and across the Released Easement Property is terminated and shall be of no further force, effect or encumbrance on the Released Easement Property and the owner of all or any part of the Released Easement Property may occupy, transfer, encumber or convey the Released Easement Property free and clear of the terms and conditions of the Original Easement.

2. Grantor does hereby and be these presents assign, convey, remise, release and grant unto Grantee a new 10' x 40' easement for the lift station to be enlarged and a new 1,366 square feet easement for the new sewer line, over, under and across the parcel or parcels of real property described on "Exhibit B" attached hereto and be reference made a part hereof (the "Easement Property"). The foregoing easement is a covenant running with the land and shall be binding upon the owners of the Easement Property, their successors and assigns.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered
In the presence of:

ANASTASIA DEVELOPERS II, L.L.C.

Sign: _____
Print Name: _____

By: _____
Title: _____

Sign: _____
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by _____ of Anastasia Developers II, L.L.C. He is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires:

FORM 1124 FLORIDA Warranty Deed (From a Corp.)

TUTBLANK REGISTERED U. S. PAT. OFFICE
TITLE LAW PRINT. PUBLISHED MONTHLY BY THE

74 7869

This Indenture,

OFF. REC. 260 PAGE 927

Made this 15 day of Feb., A. D. 19 74

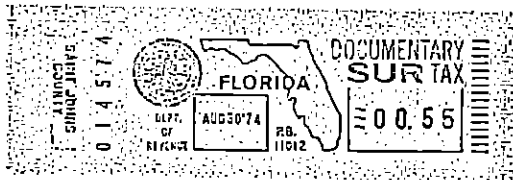
Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and for assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders.

Between **Gulf Financial Investment Corporation**
a corporation existing under the laws of the State of Florida
having its principal place of business in the County of Duval
State of Florida party of the first part, and

Anastasia Sanitary District, Pope Road, St. Augustine,
of the County of St. Johns
party of the second part, and State of Florida

Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida, to wit:

Property described in Exhibit "A" attached hereto



This instrument prepared by:
FRANK D. UPCHURCH, JR.
UPCHURCH AND UPCHURCH
501 Atlantic Bank Building
St. Augustine, Florida 32084

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its Secretary the day and year above written.

(Corporate Seal)

Attest: Linda D. Silcox

GULF FINANCIAL INVESTMENT CORPORATION

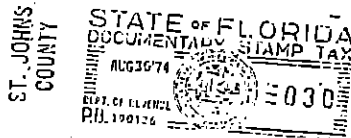
By Frank D. Upchurch, Jr.
Its President.

Signed, Sealed and Delivered in Our Presence:

[Signature]

State of Florida

County of



I Herby Certify, That on this 15 day of Feb., A. D. 19 74, before me personally appeared Douglas L. Smith and Linda Silcox respectively of Gulf Financial Investment Corporation, a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to Anastasia Sanitary District

and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

Witness my signature and official seal at St. Johns and State of Florida, the day and year last aforesaid.

Frank D. Upchurch, Jr.
Notary Public, State of Florida at Large
My Commission Expires Oct. 10, 1975

Exhibit "A"

Lift Station Site: Beginning at a point, said point being the southeast corner of the east 720 feet of the north 92 feet of Government Lot 5 of Section 34, Township 7 South, Range 30 East. Thence west along the south line of said tract a distance of 225 feet to the point of beginning; thence north and perpendicular to the south line, a distance of 40 feet; thence west and parallel to the south line of said tract, a distance of 25 feet, thence south and perpendicular to the south line of said tract a distance of 40 feet; thence east along the south line of said tract; a distance of 25 feet to the point of beginning.

EASEMENT

TOGETHER WITH a perpetual right of way or easement to construct and maintain a sewer line and water line on the following described lands: an easement 5' in width on each side of the following described center line: Commence at the SE corner of the above-described lift station site, thence north along the east boundary of said site, 30 feet to the point of beginning. Thence east parallel to the south boundary line of the east 720 feet of the north 92 feet of Government Lot 5 and the south 507 feet of Government lot 1 of Section 34, Township 7 South, Range 30 East to the west right of way line of Ocean Avenue.

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

MAR 30 3 36 PM '74

Oliver H. [Signature]
CLERK CIRCUIT COURT

Exhibit "B" to Easement

MAP SHOWING SKETCH AND DESCRIPTION OF:

A PORTION OF GOVERNMENT LOTS 5 AND 6, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. AUGUSTINE BEACH, ST. JOHNS COUNTY, FLORIDA.

PROPOSED UTILITY EASEMENT "A"

A PORTION OF LAND LYING IN GOVERNMENT LOTS 5 AND 6, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

FOR A POINT OF REFERENCE BEGIN AT THE NORTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 260, PAGE 927 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 90°00'00" WEST ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK AND PAGE, A DISTANCE OF 0.71 FEET; THENCE NORTH 30°11'29" EAST DEPARTING SAID LINE, A DISTANCE OF 5.45 FEET; THENCE SOUTH 59°48'31" EAST, A DISTANCE OF 53.49 FEET; THENCE SOUTH 89°54'02" EAST, A DISTANCE OF 560.77 FEET; THENCE NORTH 73°01'04" EAST, A DISTANCE OF 43.41 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD No. A1A; THENCE SOUTH 00°47'51" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 20.83 FEET; THENCE SOUTH 73°01'50" WEST DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 32.84 FEET, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 16TH STREET, A VARIABLE WIDTH RIGHT OF WAY; THENCE NORTH 89°02'22" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 394.08 FEET; THENCE SOUTH 00°04'53" WEST, A DISTANCE OF 5.71 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 186.29 FEET; THENCE NORTH 59°48'31" WEST DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 45.25 FEET, TO A POINT ON THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 260, PAGE 927, ; THENCE NORTH 00°00'00" WEST ALONG SAID OFFICIAL RECORD BOOK AND PAGE, A DISTANCE OF 17.25 FEET TO THE POINT OF BEGINNING.

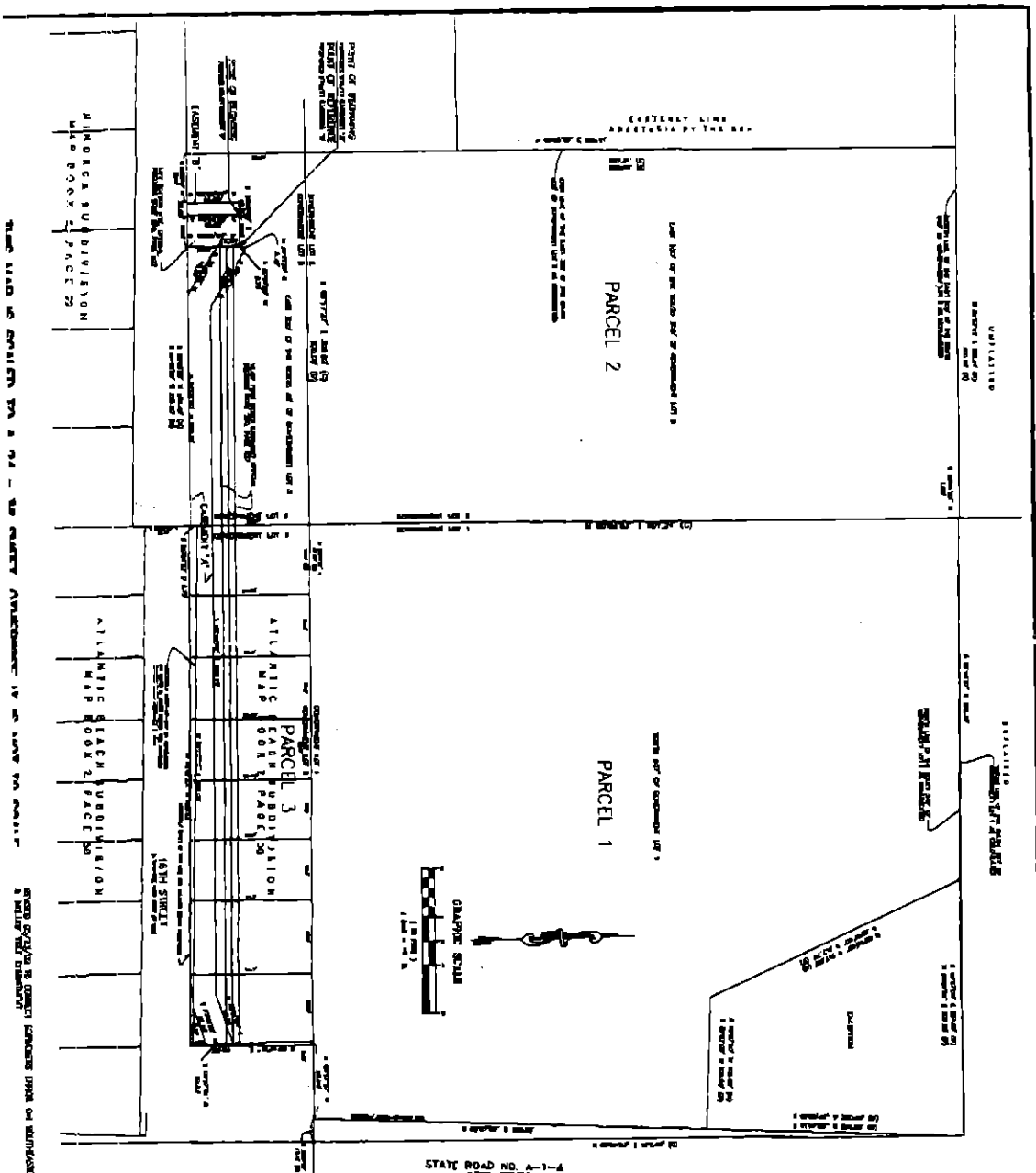
CONTAINING 1366 SQUARE FEET OR 0.25 ACRES MORE OR LESS.

PROPOSED UTILITY EASEMENT "B"

A PORTION OF LAND LYING IN GOVERNMENT LOTS 5 AND 6, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 260, PAGE 927 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 90°00'00" WEST ALONG SAID NORTH LINE OF OFFICIAL RECORDS BOOK 260, PAGE 927, A DISTANCE OF 25.00 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK AND PAGE, A DISTANCE OF 40.00 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 16TH STREET, A VARIABLE WIDTH RIGHT OF WAY; THENCE NORTH 90°00'00" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°00'00" WEST DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE NORTH 90°00'00" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 400 SQUARE FEET OR .01 ACRES MORE OR LESS.



MAP SHOWING BOUNDARY SURVEY OF:

A PORTION OF GOVERNMENT LOTS 1, 2, 5 AND 6, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. AUGUSTINE BEACH, ST. JOHNS COUNTY, FLORIDA.

LEGAL DESCRIPTION:
 PARCEL 1: THE SOUTH 507 FEET OF GOVERNMENT LOT ONE (1) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVEN (7) SOUTH, RANGE THIRTY (30) EAST, LYING WEST OF STATE ROAD A1A, PARCEL 2: THE EAST 300 FEET OF THE SOUTH 508 FEET OF GOVERNMENT LOT TWO (2) AND THE EAST 300 FEET OF THE NORTH 92 FEET OF GOVERNMENT LOT FIVE (5) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVEN (7) SOUTH, RANGE THIRTY (30) EAST, PARCEL 3: LOTS 148 TO 156 INCLUSIVE ACCORDING TO PLAT OF ATLANTIC BEACH SUBDIVISION OF ANASTASIA METHODIST ASSEMBLY GROUNDS ACCORDING TO MAP BOOK 2, PAGE 50, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

EXCEPTING THEREFROM: THE FOLLOWING DESCRIBED PARCEL OF LAND, TO-WIT:
 BEGINNING AT AN IRON PIPE LOCATED AT THE NORTHEAST CORNER OF THE SOUTH 507 FEET OF GOVERNMENT LOT 1 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 30 EAST, LYING AND BEING WEST OF STATE ROAD A1A; SAID POINT OF BEGINNING BEING THE NORTHEAST CORNER OF THE PROPERTY OF ETTEL AND SAID PIPE BEING ON THE WEST LINE OF SAID STATE ROAD A1A, THENCE RUN SOUTH 1 DEGREE 57 MINUTES WEST ALONG AND WITH THE WEST LINE OF STATE ROAD A1A, A DISTANCE OF 200 FEET TO AN IRON PIPE, THENCE RUN NORTH 88 DEGREES 3 MINUTES WEST A DISTANCE OF 106 FEET TO AN IRON PIPE, THENCE RUN NORTH 25 DEGREES 41 MINUTES WEST A DISTANCE OF 217.75 FEET TO AN IRON PIPE LOCATED ON THE NORTH LINE OF SAID SOUTH 507 FEET OF GOVERNMENT LOT 1, (BEING THE NORTH BOUNDARY LINE OF ETTEL LAND) THENCE RUN EAST AND ALONG THE NORTH LINE OF SAID BOUNDARY LINE OF ETTEL LAND) A DISTANCE OF 207.20 FEET TO THE POINT OF BEGINNING.
 AND FURTHER EXCEPTING THEREFROM: THAT CERTAIN PARCEL OF LAND CONVEYED TO THE ANASTASIA SANITARY DISTRICT FOR A LIFT STATION SITE BY VIRTUE OF DEED FILED AUGUST 30, 1974, AND RECORDED IN OFFICIAL RECORDS BOOK 260, PAGE 927, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.
 SAID LANDS AS INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS BOOK 691, PAGE 1034, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.


FOR FURTHER INFORMATION SEE
 BOUNDARY SURVEY DATED AUGUST 2, 2001 BY
 PRIVETT-NILES & ASSOC, INC #661-003

PRIVETT-NILES AND ASSOCIATES, INC.
 SURVEYING AND MAPPING CONSULTANTS
 5000 N. COAST OF LIONS BOULEVARD, SUITE 200
 ST. AUGUSTINE, FLORIDA 32080



ST. JOHNS COUNTY
UTILITY DEPARTMENT
2175 Mizell Road
P.O. Drawer 3006
St. Augustine, Florida 32085-3006

I N T E R O F F I C E M E M O R A N D U M

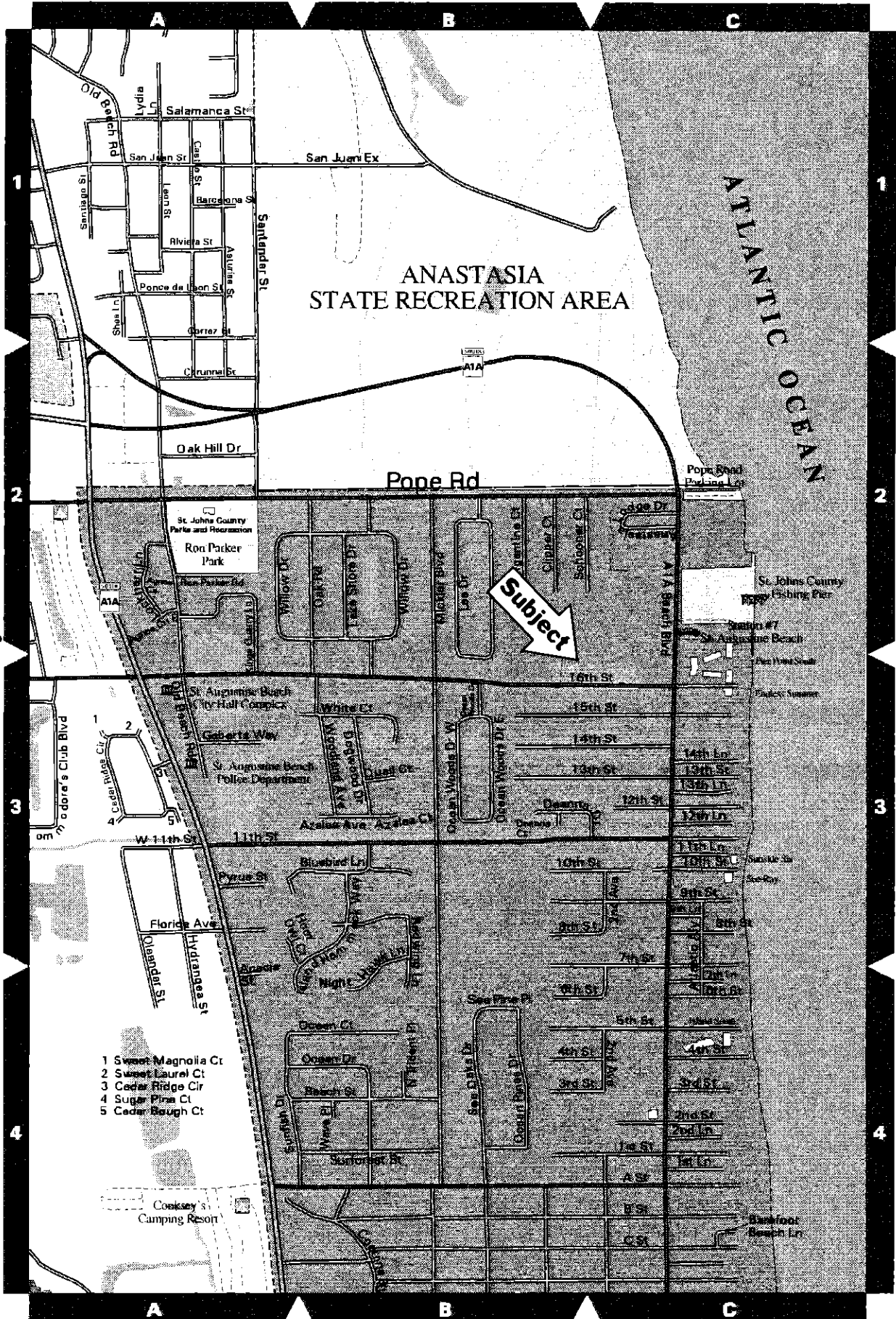
TO: Laurie Braddock, Real Estate Officer
FROM: Herbert A. Van Der Mark 
Construction Manager of Utilities
SUBJECT: Seaside at Anastasia - Proposed Utility Easement "A" and "B", and
abandonment of 10.00' foot sewer easement.
DATE: July 2, 2002

Please find attached copy of easement survey by PRIVETT-NILES and Associates, Inc. - Project number 661-001.

The proposed easements "A" and "B" have been reviewed by the St. Johns County Utility Department Staff. The easements are required for the re-construction relocation of existing sewer collection system and lift station. The existing 10.00' foot sewer easement is to be abandoned by St. Johns County. The lift station site is to remain and be enlarged by the acquisition of easement "B".

All re-construction/re-location of the referenced infrastructure is at expense of the developer of Seaside at Anastasia.

Please draft and execute the documents necessary for the Board of County Commissioners approval.



See Page 1115