

RESOLUTION NO. 2002- 251

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SEA COLONY SUBDIVISION UNIT THREE.

RECITALS

WHEREAS, St. Augustine Sea Colony, Ltd., has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water and sewer service to Sea Colony Subdivision Unit Three; and

WHEREAS, the Bill of Sale conveying all personal property associated with the water and sewer system has also been executed and is attached hereto as Exhibit "B", 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 the memorandum attached hereto as Exhibit "C", incorporated by reference and made a part hereof.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, 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 Chairman of the Board of County Commissioners is hereby authorized to execute the Easement for Utilities for water and sewer service to Sea Colony Subdivision Unit Three.

Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 19th day of November, 2002.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande
Deputy Clerk

RENDITION DATE 11-21-02



Prepared by and Return to:

James N. McGarvey, Jr.
432 Osceola Avenue
Jacksonville Beach, FL 32250

Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 10 day of September 2002, by St. Augustine Sea Colony, Ltd., with an address of 432 Osceola Avenue, Jacksonville Beach, Florida 32250, hereinafter called "Grantor," to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is c/o Clerk of Courts, P.O. Drawer 349, St. Augustine, Florida 32085, hereinafter called "Grantee."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby agree as follows:

1. Grantor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground water distribution system and sewer collection system, (including lift stations if applicable) and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress on and over the Easement Area as necessary for the use and enjoyment of the easement herein granted. This easement is for water and sewer utility services only and does not convey and right to install other utilities such as cable television service lines.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances, including but not limited to, those set forth on Exhibit "B" attached hereto and to the following:

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate,

maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right to Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocating the underground water and sewer utility lines and facilities located within the Easement area. At Grantor's request, and upon relation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.

(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals. The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service laterals. Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other similar surface improvements. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. Nothing in this section shall, however, relieve Grantee of liability for damage caused to improvements by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding upon Grantee and its successors and assigns.

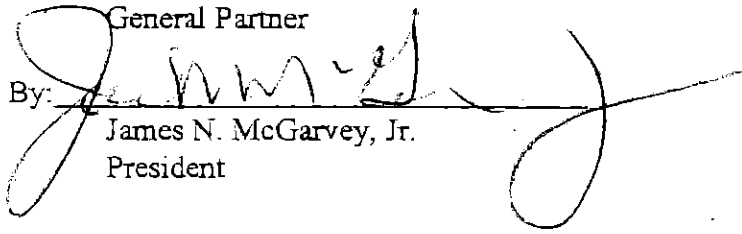
5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

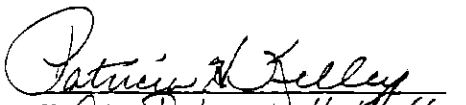
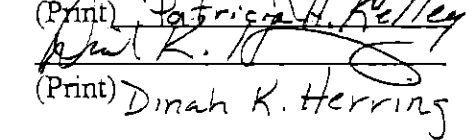
IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seals to be hereunto affixed as of the day and year first above written.

Signed, Sealed and
Delivered in the
presence of:

St. Augustine Sea Colony, Ltd; a Florida
limited partnership

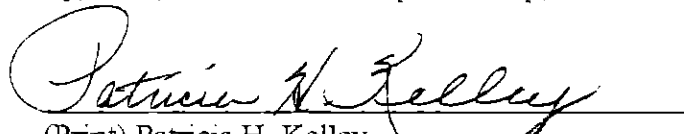
By: JNM St. Augustine, Inc.
General Partner

By: 
James N. McGarvey, Jr.
President


(Print) Patricia H. Kelley

(Print) Dinah K. Herring

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 10 day of September, 2002, by James N. McGarvey, Jr., as President of JNM St. Augustine, Inc., a Florida corporation, the general partner of St. Augustine Sea Colony, LTD, a Florida limited partnership, on behalf of the corporation and the partnership.


(Print) Patricia H. Kelley
NOTARY PUBLIC
State of Florida at Large



Patricia H. Kelley
MY COMMISSION # DD101492 EXPIRES
May 21, 2006
BONDED THRU TRACY FAIR INSURANCE, INC.

EXHIBIT A to Easement

EASEMENT AREA

The Easement Area granted by this document shall include all project roads and drives, all areas designated "utility easement areas", and Tracts C and D, all within the plat of Sea Colony Unit Three of the Beach Club at Anastasia Residential Cluster Development, recorded in Map Book 42, pages ~~42~~³¹ through ~~46~~³⁸, of St. Johns County, Florida, of St. Johns County, Florida. The Easement Area shall not include the driveways to individual homes except for the part of such driveways within the areas designated "utility easement areas".

Exhibit A-1 to Easement

ST. AUGUSTINE BEACH, ST. JOHNS COUNTY

Being a replat of a portion of Hidden Shores Phase One, as recorded in Map Book 30, Pages 95, 96, 97, 98, 99 and 100 of the Public Records of St. Augustine Beach, St. Johns County, Florida, TOGETHER WITH portion of Government Lots 1 and 4, Section 10, all in Township 8 South, Range 30 East, St. Augustine Beach, St. Johns County, Florida.

CAPTION

A portion of Government Lots 1 and 4, Section 10, Township 8 South, Range 30 East, St. Augustine Beach, St. Johns County, Florida, being more particularly described as follows: BEGINNING at the Northwest corner of Tract "A-4" (Conservation Tract) as shown on the plat of Sea Colony Unit One of the Beach Club At Anastasia Residential Cluster Development, as recorded in Map Book 36, Pages 1 through 11, inclusive, of the Public Records of said County; thence the following 11 courses and distances along the Westerly and Southerly boundary of said Tract "A-4": Course No. 1: South 11°37'01" East, 103.63 feet; Course No. 2: South 37°36'04" West, 26.64 feet; Course No. 3: South 14°09'12" East, 122.54 feet; Course No. 4: South 17°21'57" West, 43.73 feet; Course No. 5: South 05°24'30" West, 71.48 feet; Course No. 6: South 28°28'57" East, 87.67 feet; Course No. 7: South 09°17'15" West, 108.19 feet; Course No. 8: South 42°55'51" East, 46.17 feet; Course No. 9: South 03°38'29" East, 66.54 feet; Course No. 10: South 40°52'16" East, 58.14 feet; Course No. 11: North 59°42'42" East, 50.55 feet to an angle point in the Westerly boundary of Lot 9, Block D, said plat of Sea Colony Unit One of the Beach Club At Anastasia Residential Cluster Development; thence South 37°52'47" East, along said Westerly boundary of Lot 9, a distance of 50.25 feet to the Southwest corner thereof; thence North 89°15'24" East, along the South line of said Lot 9, Block D, 97.32 feet to the Southeast corner thereof and a point situate in the Westerly right of way line of South Forest Dune Drive (a 50 foot right of way, as shown on said plat); thence the following five (5) courses and distances along said Westerly right of way line; Course No. 1: South 00°00'00" East, 2.80 feet to the point of curvature of a curve concave Easterly and having a radius of 147.92 feet; Course No. 2: thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line, an arc distance of 47.02 feet, said arc being subtended by a chord bearing and distance of South 08°06'25" East, 46.82 feet to the point of reverse curvature of a curve concave Westerly and having a radius of 75.00 feet; Course No. 3: thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line, 23.18 feet, said arc being subtended by a chord bearing and distance of South 09°21'39" East, 23.09 feet to the point of tangency of said curve; Course No. 4: thence South 00°30'27" East, 18.15 feet to the point of curvature of a curve concave Northwest and having a radius of 25.00 feet; Course No. 5: thence Southwest and along the arc of said curve, a distance of 39.17 feet, said arc being subtended by a chord bearing and distance of South 44°22'28" West, 35.28 feet to the point of tangency of said curve and a point situate in the Northerly right of way line of Ocean Palm Way (a 50 foot right of way as shown on the plat of Sea Colony Unit Two of the Beach Club At Anastasia Residential Cluster Development, as recorded in Map Book 36, Pages 34 through 39, inclusive, of the Public Records of said County); thence South 89°15'24" West, along said Northerly right of way line, a distance of 700.42 feet; thence South 00°44'36" East, along the Westerly terminus of said Ocean Palm Way and along the Westerly line of Tract "C-7" as shown on said last mentioned plat, a distance of 145.00 feet to the Southwest corner of said Tract "C-7" and a point situate on the Southerly line of the Northerly 300 feet of said Government Lot 4; thence South 89°15'24" West, along said last mentioned line, a distance of 363.41 feet to a point situate in the Easterly right of way line of A-1-A Beach Boulevard, as now established, said Easterly right of way line being a curve concave Easterly and having a radius of 2,304.80 feet; thence Northerly around and along the arc of said curve and along said Easterly right of way line, a distance of 53.83 feet, said arc being subtended by a chord bearing and distance of North 00°17'11" West, 53.83 feet to a point on the cusp of a curve concave Westerly and having a radius of 235.00 feet; thence Northerly around and along the arc of said curve and continuing along said Easterly right of way line, a distance of 209.94 feet, said arc being subtended by a chord bearing and distance of North 20°14'22" East, 203.03 feet to the point of tangency of said curve; thence North 04°18'43" West, continuing along said Easterly right of way line, a distance of 268.83 feet to a point of cusp of a curve concave Easterly and having a radius of 2,304.80 feet, said right of way of A-1-A Beach Boulevard, having a 100 foot right of way at this point; thence Northerly around and along the arc of said curve and continuing along said Easterly right of way line, a distance of 207.69 feet, said arc being subtended by a chord bearing and distance of North 14°33'01" East, 207.62 feet to the point of tangency of said curve; thence North 17°07'55" East, and continuing along said Easterly right of way line, a distance of 238.58 feet to a point of curvature of a curve concave Southeast and having a radius of 25.00 feet and a point situate in the Southerly right of way line of Sea Colony Parkway (as shown on said plat of Sea Colony Unit One of the Beach Club at Anastasia Residential Cluster Development); thence Northeast and along the arc of said curve and along said Southerly right of way line, a distance of 39.27 feet, said

arc being subtended by a chord bearing and distance of North 82°07'37" East, 35.35 feet to the point of tangency of said curve; thence South 72°52'41" East, and continuing along said Southerly right of way line, a distance of 134.58 feet to the point of curvature of a curve concave Northerly and having a radius of 357.50 feet; thence Easterly around and along the arc of said curve and continuing along said Southerly right of way line, a distance of 151.37 feet, said arc being subtended by a chord bearing and distance of South 85°00'28" East, 150.24 feet to the point of tangency of said curve; thence North 82°31'44" East, and continuing along said Southerly right of way line, a distance of 153.36 feet to an angle point in said right of way line; thence North 78°10'30" East, and continuing along said Southerly right of way line, a distance of 73.74 feet to a point of cusp of a curve concave Northwesterly and having a radius of 163.00 feet; thence Northeasterly around and along the arc of said curve, a distance of 18.10 feet, said arc being subtended by a chord bearing and distance of North 64°03'12" East, 18.09 feet to the point of tangency of said curve; thence North 60°32'19" East, and continuing along said Southerly right of way line, a distance of 12.11 feet to a point of cusp of a curve concave Southerly and having a radius of 1,432.72 feet; thence Easterly around and along the arc of said curve and continuing along said Southerly right of way line, a distance of 59.13 feet, said arc being subtended by a chord bearing and distance of North 74°21'15" East, 59.12 feet to the POINT OF BEGINNING.

Containing 15.13 acres, more or less.

EXHIBIT B to Easement

1. Declaration of Charter, Easements, Covenants and Restrictions as recorded in Official Records Book 1479, pages 1603 through 1650, public records St. Johns County, Florida.
2. Easement contained in instrument recorded in O.R. Book 1176, Page 1742.
3. Final Development Order recorded in O.R. Book 1243, Page 550.
4. Matters shown in Plat of Hidden Shores as recorded in Map Book 30, Pages 95-100.
5. Final Development Order recorded in O.R. Book 1380, Page 942.
6. Declaration of Restrictions For Sea Colony, Block F Lots recorded in O.R. 1512 Page 700.

All of the Public Records of St. Johns County, Florida

Exhibit "B" to Resolution

BILL OF SALE

THAT ST. AUGUSTINE SEA COLONY, LTD., a Florida limited partnership conveying its separate non-homestead property, party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) in lawful money and other good and valuable considerations to it paid by ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is c/o Clerk of the Courts, Post Office Drawer 349, St. Augustine, Florida 32085, party of the second part, the receipt of which is hereby acknowledged by it, has granted, bargained, sold, transferred, set over and delivered and by these presents does grant bargain, sell, transfer, set over and deliver unto the party of the second part, the extension to the Utility System (constructed by the party of the first part) and the complete water and/or wastewater system located on the real property described in Exhibit "A" attached hereto (being hereinafter collectively referred to as the Extension").

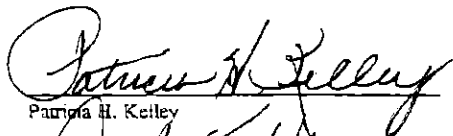
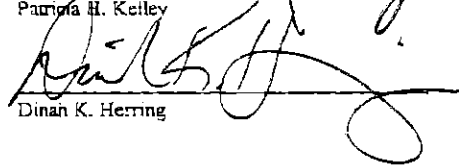
Party of the first part hereby warrants and represents that it has all the requisite right and authority to make this conveyance, and that the Extension is free from all liens and other encumbrances, and that contractors, subcontractors and materialmen furnishing labor or materials relative to the construction of the Extension have been paid in full, but except for the foregoing warranties or other expressed warranties given in writing, party of the first part makes no representation or warranties whatsoever, express or implied, and this conveyance as is.

TO HAVE AND TO HOLD the same unto the party of the second party, its successors and assigns.

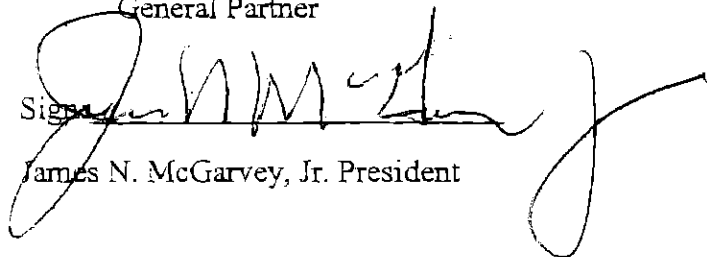
IN WITNESS WHEREOF, the party of the first part has caused this instrument to be executed in his name the day and year first above written.

WITNESSES:

ST. AUGUSTINE SEA COLONY, LTD.
a Florida Limited Partnership


Patricia H. Kelley

Dinah K. Herring

By: JNM St. Augustine, Inc.
General Partner


James N. McGarvey, Jr. President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 30 day of August, 2002, by JAMES N. MCGARVEY, JR., President of JNM St. Augustine, Inc., a Florida corporation. He is personally known to me and did not take an oath.



Patricia H. Kelley
MY COMMISSION # DD101492 EXPIRES
May 27, 2006
BONDED THROUGH FARM INSURANCE, INC.

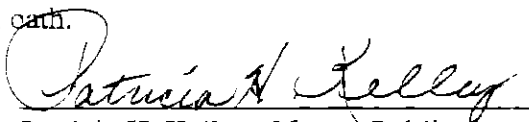

Patricia H. Kelley, Notary Public
Commission No. DD101492

EXHIBIT A to Exhibit "B" to Resolution

EASEMENT AREA

The Easement Area granted by this document shall include all project roads and drives, all areas designated "utility easement areas", and Tracts C and D, all within the plat of Sea Colony Unit Three of the Beach Club at Anastasia Residential Cluster Development, recorded in Map Book 42, pages 42 through 46, of St. Johns County, Florida, of St. Johns County, Florida. The Easement Area shall not include the driveways to individual homes except for the part of such driveways within the areas designated "utility easement areas".

Sea Colony Unit 3
 St. Augustine, Florida
SCHEDULE OF VALUES
 St. Johns Utility Company

Braddock Construction, Inc.

POTABLE WATER SYSTEM

ITEM	Quantity	UM	unit material	extended material	unit Labor/equip	extended labor/equip	Unit Price	EXTENDED PRICE
10" PVC Main	500	If	\$4.08	\$2,040.00	\$5.57	\$2,785.00	\$9.65	\$4,825.00
8" PVC Main	1340	If	\$2.54	\$3,403.60	\$3.85	\$5,159.00	\$6.39	\$8,562.60
6" PVC Main	40	If	\$1.48	\$59.20	\$3.75	\$150.00	\$5.23	\$209.20
Testing	1880	If	\$0.25	\$470.00	\$1.30	\$2,444.00	\$1.55	\$2,914.00
10" Gate Valves	2	ea	\$885.00	\$1,770.00	\$570.49	\$1,140.98	\$1,455.49	\$2,910.98
10" Misc Fittings incl restrainers	11	ea	\$446.00	\$4,906.00	\$501.00	\$5,511.00	\$947.00	\$10,417.00
8" Gate Valves	1	ea	\$423.00	\$423.00	\$392.06	\$392.06	\$815.06	\$815.06
8" Misc fittings incl restrainers	23	ea	\$235.97	\$5,427.31	\$263.90	\$6,069.70	\$499.87	\$11,497.01
Sample Points	3	ea	\$90.00	\$270.00	\$72.68	\$218.04	\$162.68	\$488.04
Fire Hydrants	3	ea	\$1,443.00	\$4,329.00	\$713.35	\$2,140.05	\$2,156.35	\$6,469.05
Single services	6	ea	\$177.00	\$1,062.00	\$255.00	\$1,530.00	\$432.00	\$2,592.00
Double services	11	ea	\$223.00	\$2,453.00	\$274.00	\$3,014.00	\$497.00	\$5,467.00
21" casing	60	If	\$42.75	\$2,565.00	\$41.50	\$2,490.00	\$84.25	\$5,055.00
18" Casings	40	If	\$29.29	\$1,171.60	\$29.43	\$1,177.20	\$58.72	\$2,348.80
Corn to existing	1	ls	\$100.00	\$100.00	\$335.92	\$335.92	\$435.92	\$435.92
				\$30,449.71		\$34,556.95		\$65,006.66

SANITARY SEWER SYSTEM

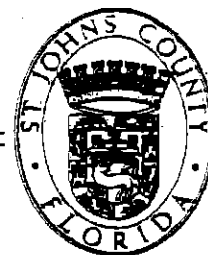
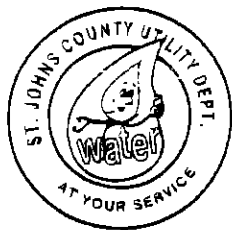
ITEM	Quantity	UM	unit material	extended material	unit Labor/equip	extended labor/equip	Unit Price	EXTENDED PRICE
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8" PVC sdr-35 Mains	1469	lf	\$1.59	\$2,335.71	\$6.46	\$9,489.74	\$8.05	\$11,825.45
Manholes (incl tops & Inverts)	10	ea	\$1,252.60	\$12,526.00	\$1,275.09	\$12,750.90	\$2,527.69	\$25,276.90
Dewatering	1469	ea	\$0.00	\$0.00	\$7.96	\$11,693.24	\$7.96	\$11,693.24
6" services	28	ea	\$66.00	\$1,848.00	\$248.47	\$6,957.16	\$314.47	\$8,805.16
TV Testing	1469	ea	\$0.00	\$0.00	\$1.83	\$2,688.27	\$1.83	\$2,688.27
misc, locates, removals	1	ls	\$0.00	\$0.00	\$2,030.00	\$2,030.00	\$2,030.00	\$2,030.00
Totals				\$16,709.71		\$45,609.31		\$62,319.02

TOTAL \$127,325.68

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners



P.O. Box 3006

St. Augustine, Florida 32085-3006

Phone: (904) 471-2161 • Toll Free: 1-877-837-2311

Administrative Fax: (904) 461-7619

Billing Dept. Fax: (904) 461-3995

IOM

TO: Nanette Bradbury, Real Estate Coordinator

FROM: Herbert A. Van Der Mark
Construction Manager of Utilities

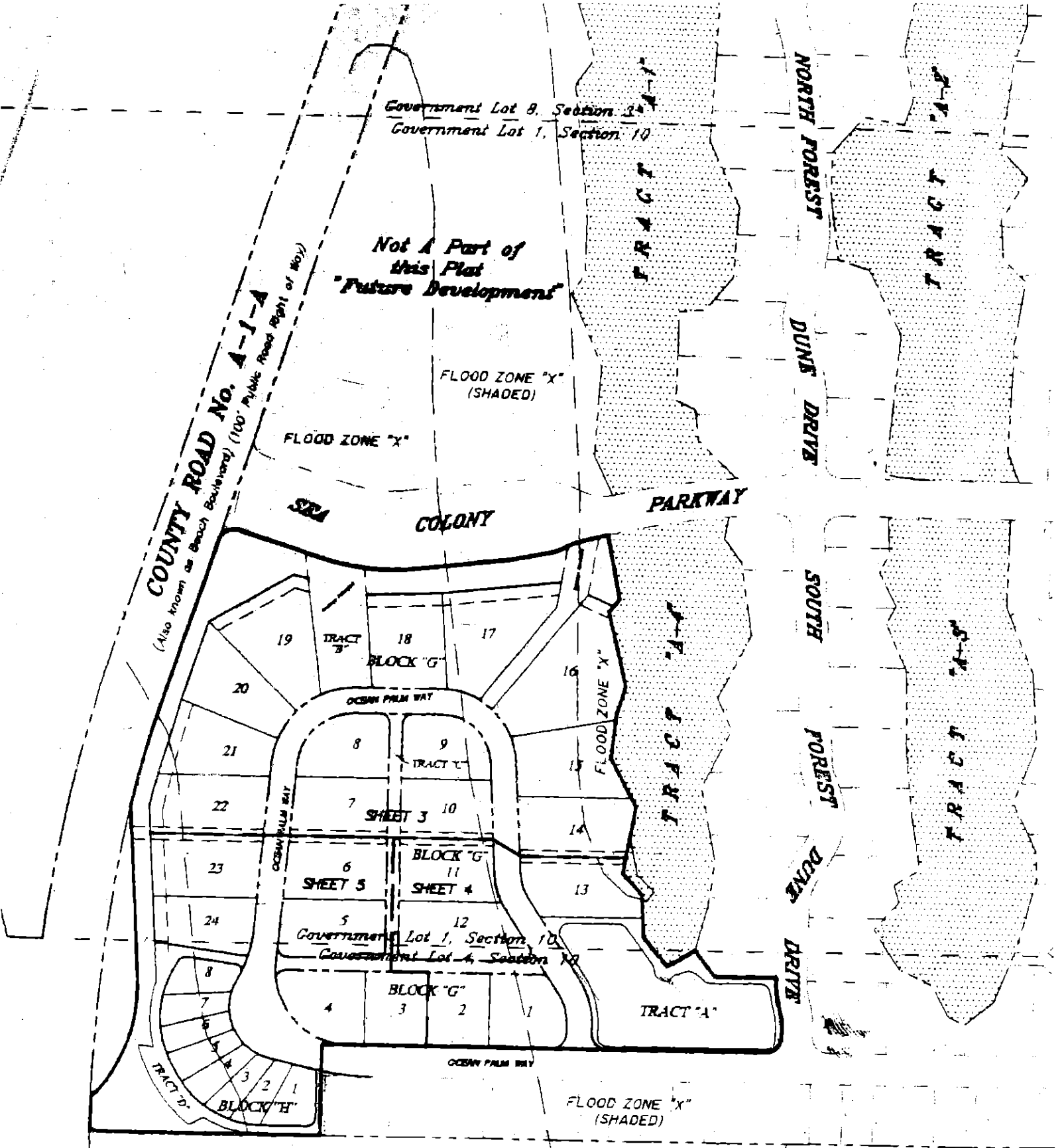
DATE : November 4, 2002

SUBJECT: **Sea Colony Subdivision Unit Three, Easement for Utilities and Bill of Sale.**

Please be informed that the Water and Sewer Infrastructure for the above referenced development has been completed in accordance with the St. Johns County Manual of Water and Wastewater Design Standards and Specifications.

The attached document, "Easement For Utilities" has been reviewed and approved by the St. Johns County Utility Department.

The Florida Department of Environmental Protection – Certification of Construction Completion forms have been filed with the F.D.E.P. and the acceptance letters for placing the systems in service have been received for both water and sewer.



COUNTY ROAD No. A-1-A
 (Also known as Beach Boulevard) (100' Wide Road Right of Way)

*Not A Part of
 this Plat
 "Future Development"*

Government Lot 8, Section 3
 Government Lot 1, Section 10

FLOOD ZONE "X"
 (SHADED)

SEA COLONY

PARKWAY

19
20
21
22
23
24

TRACT "B"
 BLOCK "G"
 OCEAN PALM WAY
 8 9
 TRACT "C"
 SHEET 3 10
 7
 6
 SHEET 5
 BLOCK "G"
 11
 SHEET 4
 5
 Government Lot 1, Section 10
 Government Lot 4, Section 10
 12
 BLOCK "G"
 3 2 1
 BLOCK "H"

16
15
14
13
 FLOOD ZONE "X"
 TRACT "A"
 OCEAN PALM WAY
 FLOOD ZONE "X"
 (SHADED)

NORTH FOREST TRACT "A-F"
DUNS DRIVE
SOUTH FOREST TRACT "A-F"
DUNE DRIVE

FLOOD ZONE "X"
 (SHADED)

FLOOD ZONE "X"

Southerly line of the Northerly 300' of Government Lot 4, Section 10

OVERBY & GARGAN SUBDIV
 (An Unrecorded Subdivision, prepared by Loren N. Jones, dated