

RESOLUTION NO. 2003-154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN IRREVOCABLE LICENSE TO FLORIDA POWER & LIGHT COMPANY TO PROVIDE ELECTRICAL SERVICE TO SUNSET POINT SUBDIVISION.

WHEREAS, Florida Power & Light Company (hereinafter "FPL") has requested an easement in order to install, maintain and provide electrical power to Sunset Point Subdivision. In place of the requested easement, the County hereby grants FPL an Irrevocable License to use the requested property for such purpose. That property is described as "Florida Power & Light Company 10' License Agreement" on the map attached hereto as Exhibit "A", incorporated by reference and made a part hereof and shall hereinafter be described as "Licensed Premises"; and

WHEREAS, this license will, in part, allow FPL to install a electrical distribution line to provide electric service to Sunset Point Subdivision and to tie distribution line to mainland electric grid; and

WHEREAS, the FPL Tariff, Sheet No. 6.020, Paragraphs 2.8 and 2.9, requires that a customer desiring electric service must provide FPL with access and rights-of-way which in the opinion of FPL are necessary for the rendering of service to the customer and the County has authority to grant such rights, easements, permits and privileges and it is found that it is necessary for protection of the County and the public for the County to grant FPL a license to efficiently provide electrical service to Sunset Point Subdivision and to satisfy the FPL Tariff requirements.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Johns County, Florida, that St. Johns County, the Licensor, hereby grants to FPL a non-exclusive irrevocable license to use the " Licensed 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 requested use of the License Premises 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 (County) in the use and maintenance of the "Licensed Premises" to the extent that such use does not interfere with the rights granted herein.

[Handwritten signature]

- b. The Licensee (FPL) and its agents shall have the duty to not create any obstructions or conditions of the public property or right-of-way adjoining the "Licensed Premises" which are or may become unreasonably dangerous to the public, County or its agents or employees.
 - c. The Licensee (FPL) shall be liable for the personal injuries and damages to real or personal property that may result from its use of the "Licensed 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 right-of-way, the Licensor may cause the movement of FPL improvements in or on the Licensed Premises or the reasonable relocation of the Licensed Premises and FPL improvements thereon, at Licensor's cost.
 - e. The Licensee shall promptly repair any damage or injury to any County property by reason of the exercise of the privileges granted by this License including but not limited to repair of the road or highway, restoring such to a condition at least equal to that which existed prior to the infliction of such damage or injury.
3. To the extent that Licensee is in compliance with the applicable St. Johns County Tree Ordinance, Licensee shall have the right to clear and keep the "Licensed 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".
4. 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 in perpetuity so long as the electrical service is provided to County via the "Licensed Premises". Notwithstanding the foregoing, in the event the County desires to sell the subject property to a private landowner or to abandon, vacate or discontinue use of the subject property, the County or private purchaser, to the extent allowed by law, grant FPL an easement reasonably acceptable to FPL as a condition of and prior to or contemporaneous with any sale, abandonment, vacation or discontinuance of the subject County property served by FPL using this License and which will continue to be served by FPL.

5. This License is not intended to confer with any rights not specifically stated herein or not required by the FPL Tariff.
6. This License shall be deemed as coupled with an interest once FPL has made substantial expenditures to provide the electrical service to Sunset Point Subdivision. As such the parties agree that this License is an Irrevocable License except as provided by its terms shall include the right of the County to terminate this License if the Licensee does not correct any of its violation of the provisions hereof within a reasonable time after reasonable notice.
7. The Clerk is instructed to record this Resolution in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 19th day of August, 2003,
by the Board of County Commissioners of St. Johns County, Florida.

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

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

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Grande
Deputy Clerk

FLORIDA POWER AND LIGHT COMPANY

By: _____
Title: _____

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PASSED AND ADOPTED this ____ day of _____, 2003,
by the Board of County Commissioners of St. Johns County, Florida.

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

By: _____
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

FLORIDA POWER AND LIGHT COMPANY

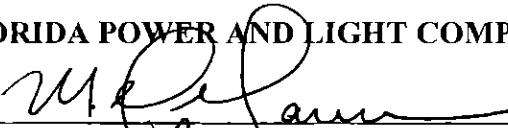
By: 
Title: SVC PLANNER SUPV-FPL

EXHIBIT "A"
(FPL 10 FOOT EASEMENT)

The south ten (10') feet of the north forty-five (45') feet of West Pope Road an unimproved right of way beginning at the west right of way of Mizell Road then westerly to the end of right of way approximately 1,294 feet to the end of this easement. The West Pope Road right of way being a 100 foot right of way with its southerly boundary the section of Sections 28 and 33 and the easterly boundary the west right of way line of Mizell Road.

← 1294' →

WEST POPE ROAD

Subject

29 28
32 33

994.43'

162929-0110

14-11

16.69 AC ±

162929-0110	162929-0160
	OR 910/1017
	2 AC

SEE SE/33M

162929-0090

14-9

18 AC

ANASTASIA
SIMMONS
DISTRICT

990'

300'

OK 34/494

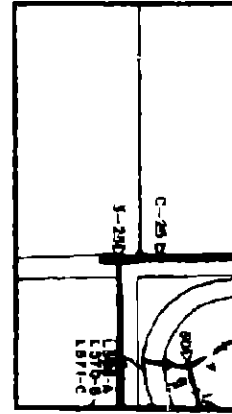
1288.06'

14-7

1290' ±

10 30 10

10

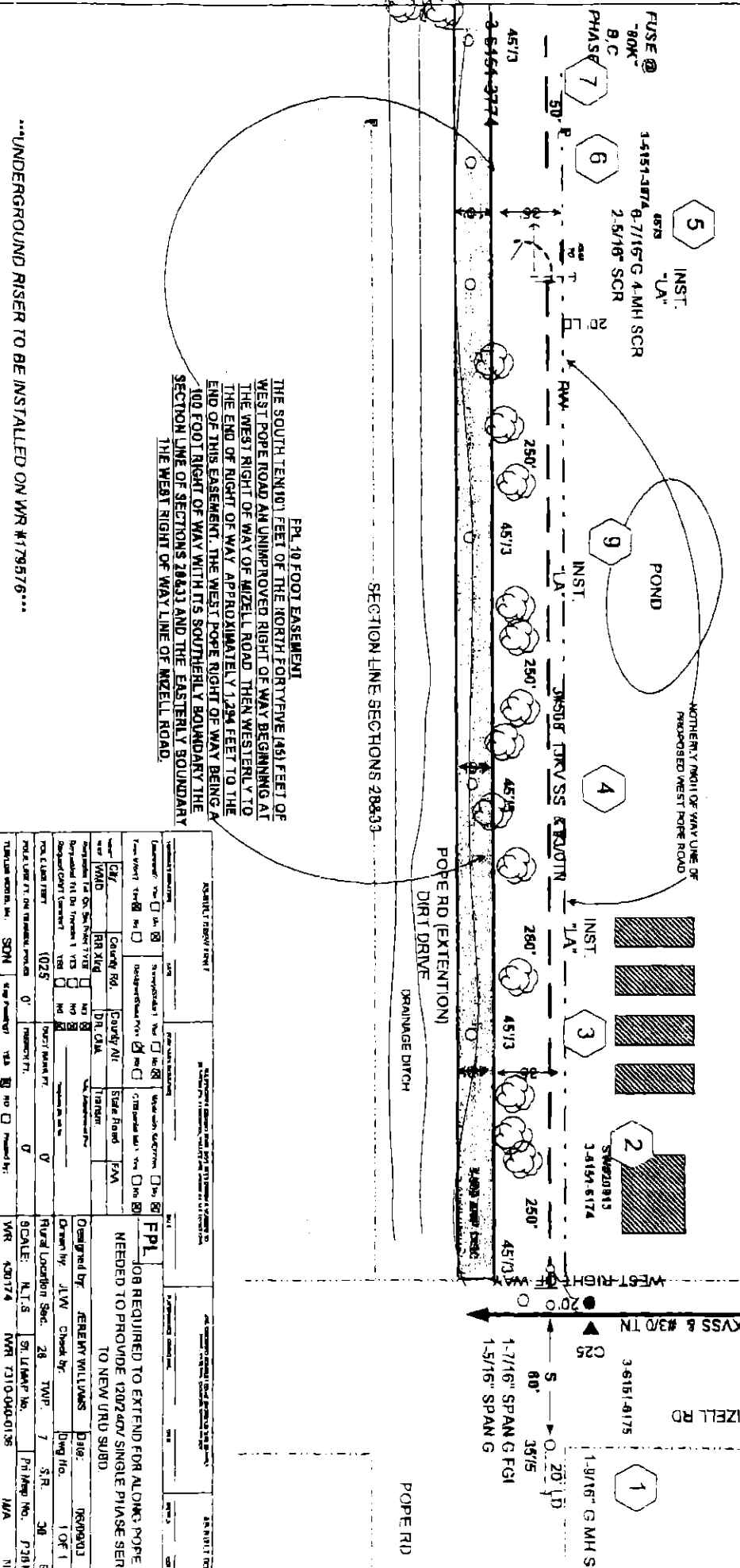


PROJECT LOCATION

CALL SUNSHINE
48 HOURS BEFORE
DIGGING
1-800-432-4770

***EXTENSIVE TREE TRIM
AND REMOVAL REQUIRED***

- INACCESSIBLE
- 13 KV
- FUTURE 23 KV
- 23 KV
- SALT SPRAY



FPL 10 FOOT EASEMENT
THE SOUTH TEN (10) FEET OF THE NORTH FORTY FIVE (45) FEET OF WEST POPE ROAD AN UNIMPROVED RIGHT OF WAY BEGINNING AT THE WEST RIGHT OF WAY OF MIZELL ROAD THEN WESTERLY TO THE END OF RIGHT OF WAY APPROXIMATELY 1,294 FEET TO THE END OF THIS EASEMENT, THE WEST POPE RIGHT OF WAY BEING A 100 FOOT RIGHT OF WAY WITH ITS SOUTHERLY BOUNDARY THE SECTION LINE OF SECTIONS 28&33 AND THE EASTERLY BOUNDARY THE WEST RIGHT OF WAY LINE OF MIZELL ROAD.

UNDERGROUND RISER TO BE INSTALLED ON WR #179576

PROJECT INFORMATION Project Name: POPE RD Date: 02/25		DESIGN INFORMATION Designer: JLV Checker: SR Date: 06/09/03	
PROPERTY INFORMATION Owner: POPE RD Address: POPE RD City: ST AUGUSTINE State: FL Zip: 32080		UTILITY INFORMATION Utility Name: FLORIDA POWER & LIGHT Account No.: 0025 Meter No.: 0 Meter Type: 0	
PERMITS Permit No.: 025 Issue Date: 02/25 Expiration Date: 0		NOTES JOB REQUIRED TO EXTEND FOR ALONG POPE RD NEEDED TO PROVIDE 1200' 40V SINGLE PHASE SER TO NEW URD SUBD	
SCALE: N.T.S. DRAWN BY: JLV CHECKED BY: SR DATE: 06/09/03		PROJECT NO.: 025 SHEET NO.: 1 TOTAL SHEETS: 1	